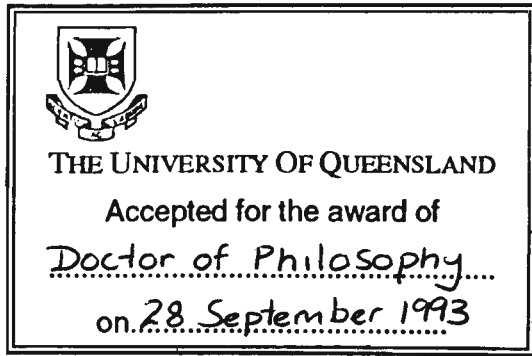


THE UNIVERSITY OF QUEENSLAND

LIBRARY

The persons whose signatures appear below have consulted this thesis
by . Bruce . . . W. . . Upham and are aware that



CHURCH and STATE

A CASE-STUDY OF QUEENSLAND

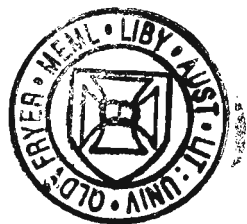
to 1918

Bruce W. Upham


A thesis submitted to the Department of History, University of
Queensland, for the degree of Doctor of Philosophy.

May, 1993.

THE UNIVERSITY OF QUEENSLAND LIBRARY



I certify that this thesis is all my own original work based on the resources listed in the bibliography, and that all sources have been acknowledged.


Bruce W. Upham
1.6.93.

ABSTRACT

The story of church-state relationships in Queensland cannot be treated in isolation. It is part of a continuing story with its beginnings in the dawn of religious consciousness in human beings. Consequently, chapter 1 outlines that story, with special reference to the Judeo-Christian tradition. The chapter examines some of the important debates on church and state during the medieval and reformation periods, and then focuses on the post-reformation British scene through to the nineteenth century. Attention is given to the development of liberal-democratic outlooks, as these influenced nineteenth-century Australia.

The situation in New South Wales up to the separation of Queensland in 1859 is covered in chapter 2. Attention is given to Anglican presumptions regarding establishment, and to the changes introduced by Governor Bourke. As against Border, it is argued that Bourke was not against establishment as such, but that his 1836 Church Act was a form of 'multi-establishment'. It is argued further that the state continued to accept a commitment to uphold the christian religion in the colony.

Financial aid to the churches in Queensland was cut off by the first parliament in 1860. This left the Church of England in Queensland in a complex situation, due to its ties with the established church in England. This is the subject of chapter 3, which looks at the development of synodical government within the Anglican Church in Brisbane, the constitution which it adopted, and the resulting problems. It is argued that the Anglican 'nexus' was a positive as well as a negative factor in Queensland affairs.

The question of the church's role in education remained. Aid to denominational schools was continued until 1875, when it was decided to cut off all aid to church schools after 1880, and to model the state system on that in New South Wales. Protestant non-conformists were largely behind this move, but it was opposed by most Anglicans and Catholics. The 1880s and 1890s, however, saw the non-Catholic denominations realise that the Queensland state system had gone further in the direction of secularism than its prototype. This led to the successful 'Bible in State Schools' campaign.

Meanwhile, the Catholics had successfully built up their own system, and gained government scholarships for some of their children from 1899. It is argued that because Queensland initially had gone further towards secularism than other states, this produced a reaction which saw limited aid restored earlier in Queensland.

Secondary schools were established by the several Protestant denominations in the twentieth century. Catholic secondary schools had been in existence from the 1860s. Prominent church leaders like Donaldson and Duhig were active in promoting the establishment of the University of Queensland.

Chapter 5 examines the efforts of both church and state to grapple with the problem posed by the aborigines. Reference is made to the various missions established by the denominations, usually with government aid. Special attention is given to statements by church leaders and christian lay people on the subject. It is argued that Meston's proposals adopted by the government in 1897 did not represent new thinking and initiatives as Meston claimed, but most aspects had been put forward earlier by various christian spokesmen. From 1897, church and state have been involved jointly in ventures intended to resolve the issue, albeit without much success.

After a brief survey of christian attitudes to war which had evolved over the centuries, chapter 6 looks at Queensland's involvement in the Sudan War, the Boer War, and the first World War. Reference is made to church leaders' perceptions of war, their involvement with governments in recruitment campaigns and the conscription debates, the work of the chaplains, and finally, comments of church leaders on peace proposals and the mooted League of Nations. It is argued that the traditional christian attitudes to war — pacifism; 'just war' theory; and the crusade mentality — were all manifested in Queensland. World War I brought church and state together in several joint enterprises and common objectives.

Both church and state are concerned for society's problems. Chapter 7 looks at the church's involvement in a selected number of social issues. As well as temperance, gambling, sex and related matters, there were new issues which arose from the 1880s onwards. Socialism and industrial relations posed new problems. The chapter compares Catholic and Protestant attitudes, and argues that there was a strong commitment to social justice in all denominations. It is argued that Protestants were equally ready with Catholics to put pressure on governments for social change.

Chapter 8 concludes the study with a brief review, arguing that overall, the period shows the inevitability of a close relationship between church and state, while accepting that neither should be in a position to dominate the other. Comparisons are made with situations in the United States and Europe, where there are indications of a realisation that rigid separation of the two is neither possible nor desirable. A positive relation between them is possible, even in pluralistic communities, without doing an injustice to minority groups.

ACKNOWLEDGMENTS

My appreciative thanks go to all those persons who have assisted me in various ways during the years of research and the writing of this thesis. In particular, to Dr. George Shaw, who has supervised the work and given generously of his time over a longer than normal period. His wealth of knowledge of Australian history has been of crucial help in the enterprise.

I am grateful for the willing assistance I have received from many librarians and archivists working in the following libraries and archives:

- Archdiocese of Brisbane (Anglican) Archives
- Archdiocese of Brisbane (Roman Catholic) Archives
- The British Library
- The Diocese of Newcastle Archives
- The Lambeth Palace Library
- The Mitchell Library
- The National Library
- The Overseas Bishops Fund (London)
- The Oxley Library
- Pius XII Provincial Seminary Library
- The Public Record Office
- Queensland State Archives
- St. Francis College Library
- Trinity Theological College Library
- The University of London Library
- The University of Queensland Central Library

CONTENTS

	Page
Abstract	ii
Acknowledgments	iv
Table of Contents	v
Abbreviations	vi
Introduction	vii
Chapter 1. Church and State in History	1
Chapter 2. The Australian Background	34
Chapter 3. Vestiges of Establishment —.The Anglican Nexus	65
Chapter 4. The Church and Education	95
Chapter 5. The Aborigines	126
Chapter 6. The Nation at War	173
Chapter 7. Social Issues	226
Chapter 8. Comparisons and Conclusions	275
Bibliography	291
Appendix A Legal Opinions on the Anglican Nexus	309
Appendix B.....Pacifism, Crusade, and the 'Just War'	328

ABBREVIATIONS

The use of abbreviations has been kept to a minimum, as modern technology makes it as simple a matter to insert a full reference. The following have been used on occasions to conserve space.

AA	Archives of the Archdiocese of Brisbane (Anglican)
ADB	Australian Dictionary of Biography
AJPH	The Australian Journal of Politics and History
BC	Brisbane Courier
BL	British Library
CC	Church Chronicle
GAA	Minutes of the General Assembly of the Presbyterian Church of Australia
GAQ	Minutes of Proceedings of the General Assembly of the Presbyterian Church, State of Queensland
JCS	Journal of Church and State
JRH	The Journal of Religious History
JRHSQ	Journal of the Royal Historical Society of Queensland
LP	Lambeth Palace Library
MBC	Moreton Bay Courier
PRO	Public Records Office (London)
PS	Proceedings of Synod (Anglican Archdiocese of Brisbane)
QPD	Queensland Parliamentary Debates
QSA	Queensland State Archives
VP	Votes and Proceedings of Queensland Parliament

The term ‘Catholic’ has been used throughout for ‘Roman Catholic’. Its usage here does not carry any theological implications, and in some sentences makes for an easier structure.

INTRODUCTION

The story of church-state relationships in Queensland has not previously been dealt with in any comprehensive way. Brief references to the subject can be found in various works, such as denominational histories, biographies, general histories and the like. A number of articles have appeared in journals.¹ Border's *Church and State in Australia 1788-1872*, while valuable for its coverage of the early period of Australian developments, scarcely touches on anything north of the New South Wales-Queensland border.² Even though the Brisbane Anglican synod was formed and had met several times within the period Border dealt with, it did not rate a mention. A further limitation of his book is that, as its sub-title indicates, it deals only with the Anglican church.

Gregory's *Church and State* is also restricted, though more general than Border in its one chapter devoted to the early period prior to the separation of Victoria from New South Wales in 1844.³ Turner's *Sinews of Sectarian Warfare?* gives useful information on the operation of the Church Act of 1836, but does not include anything beyond New South Wales.⁴

This study has been undertaken with a view to at least giving a partial account of church-state relationships in Queensland, which have had their differences as well as their similarities to what has pertained in other states. The differences have been largely due to the leading personalities involved. For example, the Anglican Archbishops Webber and Donaldson, and their catholic counterparts, Archbishops Dunne and Duhig, all made unique contributions to the place of the church in society.

Geography also played a part — aboriginal issues were more to the fore in Queensland in the second half of the nineteenth century than in the southern states, because of their numbers. In the south they had been reduced to tiny minorities, whereas in Queensland they were sufficient to pose a threat to squatting interests, which looked to the government for a solution. Christians and other humanitarians had a deep concern for their well-being and future, and so both church and state became involved.

Time also contributed to the difference — that is, the particular time of the separation of Queensland, with a new parliament being established. Coming when liberal-democratic

¹ See Bibliography.

² R. Border, *Church and State in Australia 1788-1872: A Constitutional History of the Church of England in Australia* (London, 1962).

³ J. S. Gregory, *Church and State: Changing Government Policies towards Religion in Australia; with particular reference to Victoria since Separation* (Melbourne, 1973).

⁴ Naomi Turner, *Sinews of Sectarian Warfare? State Aid in New South Wales 1836-1862* (Canberra, 1972).

emphases were running strongly in the community gave an opportunity for them to make an immediate impact on the political process. One of the first acts of the new parliament when it came together in 1860 was to abolish financial aid to all the denominations. In Victoria, on the other hand, which had been proclaimed a Colony in July 1851, and had responsible government from 1855, it was 1870 before conservative opposition gave way on the issue.⁵

The original stimulus for undertaking the study came in the 1970s, from the at times vigorous confrontation between some of the denominations and the state government over aboriginal rights and the civil rights of all citizens. It has not been possible to carry the story through to that period, and the ending of World War I has been chosen as a suitable point to end the account. The war had brought considerable upheaval and change, and marked the end of the era which began in 1859 when Queensland became a colony in its own right.

However, the purpose of the study is not simply to chronicle the events, but to interpret and understand the developments in Queensland as part of the much larger picture of church-state relationships as they have unfolded down through the centuries. It will be argued that the story of church and state in Queensland must be seen as continuous with what had gone before in New South Wales and in earlier times in Britain, in Europe and the other areas where christianity was established in its early centuries.

It will be argued further that whenever in a society there is a reasonable number of people adhering to a particular religious faith and practice, then, given the intrinsic nature of both church and state, it is inevitable that there will be a close interaction between the two.

This raises the question of what is meant by 'establishment' and 'disestablishment' of the church. What is meant by the separation of church and state? Is it either possible or desirable? In 1860 most Queenslanders thought it was both of these. Looked at in the sweep of history the concept is something of a nineteenth and twentieth century novelty. It is one thing for small dissenting groups to seek separation from the state, as in England from the sixteenth century onwards. A model which is workable on that scale is not necessarily applicable to society as a whole. The final chapter of the study will look at this question in the light of the developments in Queensland to 1918, and in

⁵ This was in spite of a vigorous campaign for the abolition of aid from 1856 onwards. See J. S. Gregory, *Church and State: Changing Government Policies towards Religion in Australia; with particular reference to Victoria since Separation* (Melbourne, 1973), pp. 68 ff. New South Wales abolished financial aid to the churches in 1862, South Australia in 1851, Tasmania in 1869, Western Australia in 1895. For Western Australian developments, see Marian Aveling, 'Western Australian Society: The Religious Aspect (1829-1925)' in C. T. Stannage, ed., *A New History of Western Australia* (Nedlands, 1981), p. 597.

the light of recent overseas thinking on the subject.

The study is well short of being comprehensive. Four major areas have been selected for study — education, aborigines, war, and social issues. All four are areas where both church and state are concerned and interact. A further chapter has been devoted to the situation peculiar to the Anglican church due to its background as the established church in England — and effectively also in Australia during the early decades of British settlement. The legacy of that involvement was evident throughout the period under review.

Repeated references have been made above to the ‘church’ rather than ‘churches’. This is justified in terms of the church’s own understanding of what it is — there can only be *one church*, even when, as for much of its history, it has functioned institutionally as a series of denominational structures. The modern ecumenical movement has served to remind the denominations of this facet of their own teaching, often forgotten in the reformation and post-reformation eras. What this renewed consciousness will mean for relations between church and state is still evolving, but even in the period covered here, limited realisation of their ‘oneness’ enabled the denominations to operate in relation to the state in ways not open to individual denominations.

Space has been given in the first two chapters to setting out the historical background with a view to highlighting aspects of those earlier forms of church-state relations which have been relevant to the developments in Queensland, and to show continuities as well as the discontinuities between the recent and the more distant past. This is needed if we are to engage in more than a simple chronicling of events.

Chapter 1

THE HISTORICAL BACKGROUND

Neither the church nor the state in Queensland stands in isolation: they both stand at the end of long chains of events going back into antiquity. To analyse the relationships between them it is important to appreciate the historical background, as it largely determined people's understandings of both church and state when the foundations of Australian and subsequently Queensland histories were being laid down.

This is especially so in relation to the church with its historical development and established tradition reaching back to the early history of the Israelite people. Those people were a part of and obviously influenced by what was happening in the ancient near eastern world. Church history has been marked by many vicissitudes, but it is a continuous history. Even events like the conversion of the emperor Constantine in the fourth century and the reformation in the sixteenth were links in an unbroken chain.

Consequently, this chapter will look at the history of church-state relationships as they have developed down through the centuries up to the mid-nineteenth century. Particular attention will be given to Britain, the most direct overseas influence upon the events that unfolded in Australia. Chapter Two will then outline the pre-1859 situation as it developed in New South Wales, the immediate background against which the story in Queensland must be seen.

RELIGION IN PRIMITIVE SOCIETIES

Primitive societies have always been unitary — integrated social-political-religious frameworks, with no consciousness of a separation of the sacred from the secular, of the natural from the supernatural. Such distinctions did not exist. The one person was both king and high-priest. Some societies went further, regarding the king as also to some extent a god. This is not surprising, as a polytheist thinks of a god not as a unique being, as does a monotheist, but simply as a superior being.

In such societies, as Parker points out, we cannot talk about a *relationship* between church and state — there can only be a relationship where there are two *distinct entities* to relate.¹ Primitive societies are still important for our understanding of modern church-state relationships, however, as the same unitary assumptions have often

¹ T. M. Parker, *Christianity and the State in the Light of History* (London, Adam and Charles Black, 1955), p. 1.

reappeared in the history of the church. Ancient Israel was a unitary society, as also Roman society in its beginnings. Similar assumptions played a role throughout the history of that Empire, and had an impact upon church history.

There are many illustrations of this.² For example, the Greek word 'ecclesia', normally translated into English as 'church', originally meant an assembly of citizens *per se*. There was no distinctive word for a religious gathering.

ANCIENT ISRAEL

As the Christian church descended from Israel, that society is of direct significance to the theme. Hebrew society did not distinguish between the religious and the political head. Nor did their influential neighbours. Mowinckel summarises the views on kingship of Egypt and Mesopotamia,

In Egypt he [the king] was held to be a god incarnate begotten by the god, ... who in him reveal themselves on earth and rule with divine power over the universe. ... In Mesopotamia and Asia Minor the king is a man made divine, chosen for the kingship by the gods. ... The Israelite view of the king contains very essential traits of this superhuman picture.

Mowinckel warns, however, against assuming from the similarities that it was a case of direct borrowing. He concludes that the Israelite religion 'has radically transformed the general Oriental idea of the king'.³

One difference was that in Israel, the king, while a priest, was not regarded as a god. There are, however, lingering linguistic usages that indicate an affinity with Israel's neighbours: for example, the connection of the Hebrew word '*melek*' (king) with divinity in many Semitic references.

In early Hebrew history the patriarch of the nomadic group is both ruler and priest: thus, when the nation was led by Moses, he also offered sacrifice. When a monarchy

² See J. G. Frazer, *The Golden Bough: A Study in Magic and Religion* (Abridged Edition, London, Macmillan and Co., 1922), pp. 9, 168-175. Also Parker, *op. cit.*, pp. 3-5. Frazer argued that the king in primitive society was descended from the medicine-man or magician, relying heavily on evidence from African sources. See pp. 85-91, and *The Early History of Kingship* (London, 1905), pp. 127 ff. James has argued against that conclusion, as based on evolutionary pre-suppositions. It is significant, however, that even in modern times, monarchs of France and England have been believed to have possessed supernatural powers of healing people of scrofula, the 'King's Evil'. Elizabeth I, Charles I and II, James II, and Anne, all believed they could heal the disease with a touch of their hand. See E. O. James, *Myth and Ritual in the Ancient Near East: An Archeological and Documentary Study* (London, Thames and Hudson, 1958), p. 80. Also 'The Sacred Kingship and the Priesthood' in *The Sacral Kingship: Contributions to the Theme of the VIIIth International Congress for the History of Religions, Rome, April 1955* (Leiden, 1959), pp. 63-70, and Frazer, *The Golden Bough* p. 90.

³ S. Mowinckel, 'General Oriental and Specific Israelite Elements in the Israelite Conception of the Sacral Kingdom', in *The Sacral Kingship: Contributions to the Theme of the VIIIth International Congress for the History of Religions*, pp. 283-291.

was established, people saw the kings as anointed by God, but not thereby divine beings. Saul, David, and Solomon offered sacrifice, and David wore the ephod, the garment of priesthood.⁴ The kings anointed the chief priests and dismissed them — their role was a delegation of authority from the king.⁵ The kings carried out reforms in the cult, and built and repaired the Temple in Jerusalem.⁶ Israel in the days of the monarchy was a unitary nation-church.

The return from the exile (598 B.C. to 515 B.C.) ushered in a period of upheaval, conquest and rebellion, with the land ruled by foreign powers. This created a different situation, where it *was* possible to speak of a relationship between the Jewish church and the Roman state — two distinct entities. In that situation there arose several political groupings. The Sadducees were the old ruling priestly group, conservatives trying desperately, by a policy of accommodation, to hold on to as much power as possible under their Roman overlords. The Zealots were nationalists urging open rebellion. The Pharisees urged renunciation of the world, a puritanism free of foreign influence. During that period many came to hope for a ‘Messiah’, an authentic priest-king anointed by God who would deliver the nation from its oppressors.

THE CHURCH TO THE TIME OF CONSTANTINE

Into that unstable political situation Jesus of Nazareth entered, and people wanted to know his attitude to the state, that is, the Roman overlords. Would he teach submission, or would he give encouragement to the Zealots? Would he help the Pharisees in their campaign for national purity? His few recorded teachings and actions indicate that he tried to avoid the simplicity of any of these options.

On the one recorded occasion when asked a direct question on the subject, he replied enigmatically, ‘Render to Caesar the things which are Caesar’s, and to God the things which are God’s.’⁷ Interpreted one way would support the Sadducee’s position — don’t disturb the status quo, allow Caesar his worldly power; alternatively, it could be taken to support the Pharisees, or even the Zealots. As God is the creator of all things, all things belong to him, and so the Roman Caesar has no place in Palestine. When enthusiasts wanted to make him King, Jesus declined.⁸

⁴ 1 Samuel 13:1-14; 2 Samuel 6:13 & 17; 2 Samuel 6:18; 1 Kings 8:14; 2 Kings 3: 4; 2 Samuel 6:14.

⁵ 2 Samuel 8:17; 1 Kings 2:27 & 35.

⁶ 2 Kings 18:3-6; ch. 22; 33:1-25.

⁷ Matthew 22:21; Mark 12:17; Luke 20:25.

⁸ John 6:15.

In early church writings, Peter and Paul both taught obedience to civil authority and respect for the emperor, whose authority was seen as from God.⁹ On two occasions Paul was at pains to present Christianity as no threat to the empire.¹⁰ In the Revelation of St. John another strand of thought is evident, coming from a time when Rome was persecuting the church. John foretold the downfall of the persecutor.¹¹

To the time of Constantine, the church had no defined policy towards the state, except to refuse any form of emperor-worship. This was sometimes seen as treason, and could lead to persecution. There were several other reasons for the outbreaks of persecution. Christians were regarded as atheists who refused to worship the gods, so natural calamities, etc., were blamed on them.¹² Because of the language used in their worship — eating Christ's body, drinking his blood — they were thought to practise cannibalism. Because Christianity was not legal, which in terms of Roman law meant that it had not been declared legal, the way was open for any local governor to persecute the local Christians.¹³

The policy of Rome was not deliberate or unchanging. Local authorities were permitted to exercise their discretion, taking account of local feeling against Christians.¹⁴ The extent of persecution in the first three centuries is uncertain. The church was not a secret society. Christians were usually well known. When a decision was made to persecute, there was no difficulty in identifying them and their leader, as in Smyrna in 155 A.D., when Polycarp was martyred.¹⁵ Times of general persecution throughout the empire were fairly rare. The worst came towards the end of the third century, and led to the events surrounding Constantine's conversion and victory over his rivals in 312 A.D.

Some modern historians have questioned the depth of Constantine's beliefs,¹⁶ but

⁹ Romans 13:1-7; 1 Peter 2:13-17. The same sentiment is expressed by later writers, e.g. Tertullian in his *Apology*, 30-31.

¹⁰ Acts chs. 24 & 26.

¹¹ Revelation, chs. 13-19

¹² Acts 19:23-41.

¹³ Whereas in English and Australian law, a citizen can do anything provided there is no specific law forbidding it, in Roman law a citizen could not claim any explicit *right* to do anything unless there was a specific law permitting it. This gave the magistrates considerable discretion to take action whenever something occurred which disturbed the peace. See T. M. Parker, *Christianity and the State in the Light of History* (London, 1955), pp. 30-31.

¹⁴ E.g. Letter of Pliny (Governor of Bithynia) to Trajan (c.112) and Trajan's reply. See J. Stevenson, ed., *A New Eusebius: Documents illustrative of the history of the Church to A.D. 337* (London, SPCK, 1965) pp. 13-16.

¹⁵ *The Martyrdom of Polycarp*, 3.

¹⁶ The question of Constantine's motives in his adoption of Christianity has been hotly debated since the publication of Gibbon's *Decline and Fall of the Roman Empire* in the eighteenth century. Gibbon saw his adoption of the new faith as more a matter of policy than deep

earlier historians, especially his contemporary, Eusebius, painted a glowing picture of him. The eastern church named Constantine as the 'thirteenth apostle' and a saint.

Apart from the end to persecution, Constantine's ascent to power (shared with Licinius until 324) did not lead immediately to any great change in the position of the church. The Edict of Milan in 313 A.D. restored buildings and effects to the church, and private property to individuals.¹⁷ The Edict placed Christianity on the same footing as the other religions in the empire. Over a period, various laws were passed favouring it and eventually the state outlawed other religions. In 380 the emperors Gratian, Valentinian II, and Theodosius I established Christianity as the state religion¹⁸

Constantine inherited the ancient title and tradition of 'Pontifex Maximus',¹⁹ so it was not surprising that he intervened at times in the affairs of the church. The church accepted this as perfectly natural for a Christian emperor.²⁰

Parker notes that while Constantine took the initiative in the calling of the Council of Nicaea, he left its decisions to the bishops. 'So long ... as Constantine survived it was the Church which defined orthodoxy and the State which enforced it'.²¹ His successors took a more directive role in the church, and suppressed paganism by force.²²

conviction. 'The various modes of worship which prevailed in the Roman world were all considered by the people as equally true; by the philosopher as equally false; and by the magistrate as equally useful'. E. Gibbon, *Decline and Fall of the Roman Empire* (ed J. B. Bury, London, 1897), vol. II, p. 28.

17 See J. Stevenson, ed., *A New Eusebius*, pp. 300-302.

18 See J. Stevenson, *ibid.* pp. 333-335.; J. Stevenson, ed., *Creeeds, Councils and Controversies: Documents illustrative of the history of the Church A.D. 337-461* (London, SPCK, 1966), pp. 160-161.

19 As paganism was still tolerated, Constantine as 'Pontifex Maximus' nominated the pagan priests, but never attempted to take over that role in the christian church. His son, Constantius was not so circumspect.

20 The Donatist dispute arose in 313 within the African church, and came to involve Constantine when the African schismatics appealed to him to appoint adjudicators. This he did, but when the decision went against them, they appealed to Constantine again. He called together the Synod of Arles, and again the decision went against the Africans. Constantine accepted that decision as final, and attempted to put down the schism by force, a policy which never succeeded. The Donatist movement persisting in Africa until the church there was destroyed by the forces of Islam in 7th-8th centuries. The Arian controversy was more serious, threatening at some stages to engulf the whole church and possibly dividing the empire. It involved points of highly technical theology relating to the church's belief in a trinitarian God which were not always understood by the theologians themselves, let alone the emperors who became involved over the years. It was not resolved until 381 at the Council of Constantinople. Constantine censored certain books in 332, and described himself as an 'external bishop', overseeing those citizens of the empire still outside of the church. See J. Stevenson, ed., *A New Eusebius*, pp. 384-385 and 390.

21 T. M. Parker, *Christianity and the State in the Light of History* (London, 1955), p. 57.

22 J. Stevenson, ed., *Creeeds, Councils and Controversies*, pp. 2-3.

In this new situation neither the church nor the state of the fourth century had precedents to guide them. For the first time there was a Christian emperor. The few precepts from the New Testament hardly touched the new situation. Parker suggests that the emperor's relation to the church had virtually to be decided on the run.²³ Emperors simply continued the ancient tradition of the sacral ruler, modified slightly, and only diverting from it when forced by circumstance.

FROM CONSTANTINE TO THE REFORMATION

Space permits no more than an outline of the more significant developments during this period.

The East/West Division

The medieval period saw the divergence of the eastern and western sectors of both church and state. The governmental centre moved to Byzantium in 324, renamed Constantinople in 330, and that city became the 'New Rome' for the eastern church.

The Byzantine church and state were more closely continuous with ancient tradition than were their counterparts in the West. This was largely because when the seat of imperial power moved to the East, the centre of civilised society moved with it, with a highly developed and centralised administrative and economic structure. The highly centralised hierarchic patterns left little room for ecclesiastical autonomy. It was an early form of totalitarianism, with the state possessed of the right to control all aspects of private life. The church was virtually a department of state.²⁴

However, our major interest lies in the West, where there were different tendencies at work. Western Europe, in contrast to the East, broke into fragmented states under the impact of the barbarian invasions and settlement. From the third century onwards there were decentralising forces at work, accelerated by the barbarian incursions.²⁵

²³ T. M. Parker, *Christianity and the State in the Light of History* (London, 1955), p. 76.

²⁴ This did not mean that the eastern church was completely subservient to the whim of the emperors. Several attempts by emperors to dictate the theology and practice of the church came to nought, as in the attempts to suppress the veneration of icons in the eighth and ninth centuries. This came to nought because of the resistance of the lay people and the monks to the change from long-established custom. The emperors were subject to the moral laws of the church, as evidenced by the excommunication of the emperor Leo VI in 906 by the Patriarch of Constantinople.

²⁵ James suggests that at that point in the history of the empire, christianity fulfilled an important role. '... it was around the figure of Christ the King, who was also regarded as the eternal High Priest, that at the break-up of the Roman Empire the social structure and its moral values found a new unifying centre, ...' E. O. James, 'The Sacred Kingship and the Priesthood', in *The Sacral Kingship: Contributions to the Theme of the VIIIth International Congress for the History of Religions (Rome, April 1955)* (Leiden, 1959), p. 70.

Many of the barbarians had previously been converted to Arian forms of Christianity. The result was that when the nation/states arose they tended to be opposed to Rome and its theological orthodoxy. 'Arianism gave birth to the idea of national Christianity [as against international] in something like its modern, particularistic form'.²⁶

In the days immediately after Constantine it was common for ecclesiastical boundaries to be set independently of political boundaries. In the centuries following the barbarian incursions, however, national rulers were frequently able to insist that the two sets of boundaries coincided. This made it possible for rulers to nominate bishops and archbishops for their national churches, with national ecclesiastical assemblies meeting at the royal summons. A cluster of political-ecclesiastical systems came into existence, each somewhat akin to the Byzantine pattern. Yet despite this fragmentation, the church still retained a strong sense of its universality, a distinct entity largely independent of the minor states which had arisen.

The Papacy

A further effect of the barbarian invasions was the growth in power and prestige of the papacy in Rome. As the imperial government retreated, the church provided for civil administration in the western areas. On more than one occasion it was the bishop of Rome who negotiated with the commanders of the intruding armies.²⁷ By default the church became the provider of services, taking over from the civil administration. The papacy emerged with its power greatly enhanced. The scene was set for the western church to dominate the state in the later medieval period.

In 380 the decree was issued establishing Christianity as the state religion. Then in 445 Valentinian III and Theodosius II recognised the pope as the head of the church, and committed the imperial power to the support of that status.²⁸ Pope Leo I (440-461) assumed the title 'Pontifex Maximus', which the emperors no longer used.

The Two Swords

This imperial recognition of Rome's primacy was the background to the letter sent by Pope Gelasius I to the emperor Anastasius I,²⁹ to rebuke him for his support of the

²⁶ E. O. James, 'The Sacred Kingship and the Priesthood', in *The Sacral Kingship: Contributions to the Theme of the VIIIth International Congress for the History of Religions (Rome, April 1955)* (Leiden, 1959), p. 89.

²⁷ In 452 Leo I persuaded the Huns to withdraw beyond the Danube, and again in 455 he was able to negotiate with the Vandals when they captured Rome.

²⁸ S. Z. Ehler and J. B. Morrall, eds., *Church and State Through the Centuries: A Collection of historic documents with commentaries* (London, Burns and Oates, 1954), pp. 6-9.

²⁹ Gelasius was pope from 492 to 496, so the letter would be dated somewhere in that period.

Patriarch of Constantinople, whom the pope believed guilty of heresy. In the letter he outlined his view, known and elaborated later as the 'two swords' theory of church and state.

There are indeed, most august Emperor, two powers by which this world is chiefly ruled: the sacred authority of the Popes and the royal power. Of these the priestly power is much more important, because it has to render account for the kings of men themselves at the Divine tribunal. ... For if in matters ... of public discipline, the bishops of the Church, knowing that the Empire has been conferred on you by Divine instrumentality, are themselves obedient to your laws, ... with what willingness ... should you obey those to whom is assigned the administration of Divine mysteries?³⁰

Gelasius' teaching left unclear the limits of each power. There were diverse interpretations and applications in later centuries. A hint of such divergence came in an edict of the emperor Justinian I in 535. He indicated that emperors could justifiably interfere in the affairs of the church if it was thought that the church was failing in its obligations to the empire.³¹

Charlemagne

Charlemagne in the eighth century again attempted political universalism in the West, in contrast to the prevailing nationalism. He applied again the ancient pattern of fusing the church and the state into one entity. The new emperor regarded it as no less his function to rule the church than the state. He expounded the ancient unitary view of church and state in his letter to pope Leo III in 796.

It is our part with the help of Divine holiness to defend by armed strength the holy Church of Christ everywhere from the outward onslaught of the pagans and the ravages of the infidels, and to strengthen within it the knowledge of the Catholic Faith. It is your part, most holy Father, to help our armies with your hands lifted up to God ...³²

In 800, the pope crowned Charlemagne emperor of the Romans. This raised questions that were not settled until centuries later. Did the power of the emperor, while originally from God, come to him by courtesy of the pope? Charlemagne did not see it that way! The Gelasian doctrine did not answer the question, which continued to be a matter of contention in the twelfth and thirteenth centuries.

³⁰ S. Z. Ehler and J. B. Morrall, eds., *Church and State Through the Centuries: A Collection of historic documents with commentaries* (London, 1954), pp. 10-11.

³¹ Justinian wrote, 'The greatest gifts which God in his heavenly clemency bestows upon men are the priesthood and the Imperial authority. ... both proceed from the same source and together they are ornaments of human life. Therefore nothing is so close to the hearts of Emperors as the moral wellbeing of the priesthood ... *We therefore have the greatest anxiety for the true doctrines of God and for the moral wellbeing of the priesthood* ...' Ehler and Morrall, *ibid.*, pp. 9-10 (emphasis added).

³² *ibid.*, p. 12 (emphasis added).

The Investiture Controversy

The investiture dispute came to a head in the eleventh century, and its resolution was part of what is often called the Gregorian reformation. It concerned the right of a lay ruler to invest a bishop with his ring and staff, and for the bishop to offer homage to the ruler before consecration. These practices indicated a superiority of the state over the church, and so the popes repeatedly condemned lay investiture from 1059.

Papal elections were freed of the influence of the Roman aristocracy in the same year. The church successfully re-asserted its independence from the state, and eventually its power over the state. Gregory VII asserted the right of the pope to excommunicate the emperor, and release his subjects of all obligations of loyalty in such a situation.³³ The 'Concordat of Worms' resolved the investiture dispute by compromise in 1122. The secular authority would invest the clergy with the sceptre, the symbol of temporal office. The church would invest with ring and staff, the symbols of spiritual power.³⁴

The Church Ascendant

In the two centuries from the middle of the eleventh to the middle of the thirteenth the trend in church-state relations was in the direction of the church dominating the state. In the twelfth century the church emerged as a largely autonomous, unified, tightly controlled religious-political-legal body within the empire.³⁵

As was pointed out above, the 'two swords' theory of Gelasius had left undecided which, if either, was the avenue of the other's power. It had simply stated that both were ordained and authorised by God. In the twelfth and thirteenth centuries it was held that the temporal ruler derived his authority from God by way of the pope. This teaching was given official formulation in the Bull *Unam Sanctum* issued by pope

33 In his famous *Dictates of the Pope*, Gregory set out twenty-seven propositions, twenty-two of which enhanced the power of the papacy within the church, the other five dealt with the relationship of the church and the secular rulers. See S. Z. Ehler and J. B. Morrall, eds., *Church and State Through the Centuries: A Collection of historic documents with commentaries* (London, 1954), pp. 43-44.

34 *ibid.*, pp. 23-49.

35 The church 'asserted its own independent property rights in the vast ecclesiastical holdings that constituted nearly one-third of the land of western Europe. Thus a dual system of government was introduced: both secular and ecclesiastical authorities ruled in the same territories and over the same people, with overlapping jurisdictions. The secular state raised armies, dealt with violence, taxed, regulated commerce, and governed property relations, ... The ecclesiastical state not only governed most aspects of the life of the clergy (including their commercial and property relations with each other) but also largely controlled the religious, family, moral, and ideological aspects of the life of the laity'. Mircea Eliade, ed. *Encyclopaedia of Religion* (New York, Macmillan Publishing Co., 1987), s.v. 'Church and State' by H. J. Berman & J. Witte Jr.

Boniface VIII in 1302. Of the two swords he wrote, '... both are in the power of the Church, namely the spiritual and material swords; the one, indeed, to be wielded for the Church, the other by the Church'.³⁶

Decline

The height of papal power reached in the pontificate of Innocent III (1198-1216) was already declining, however. The fourteenth and fifteenth centuries saw a considerable weakening of its position, not so much in relation to the empire, which was also in decline, but in relation to the national states — France, England, and Spain, which were growing in power and independence of the empire.

Marsilius of Padua attacked the church's power in 1324 in his *Defensor Pacis*, arguing the church had no inherent powers, either spiritual or temporal, and was dependent for such on the state. A more radical critique came from John Wycliffe (c.1329-1384). In 1376 in Oxford he began to teach his doctrine of 'dominium'. In essence, he said righteousness was the sole title to dominion and property, and that the decision whether the property of ecclesiastics should be taken away rested solely with the state. The prospect of possibly seizing church property made Wycliffe's teachings attractive to the laity and the crown in England. His views were to some extent an anticipation of the concept of theocratic kingship that took hold at the time of the Reformation.³⁷

In the fourteenth century such views produced no major upheaval. As Southern points out, the powerful forces in Europe at the time had too much to lose. While they were prepared to work for change in the detailed workings out of the church-state relationship, the time for major change had not yet arrived.³⁸

³⁶ S. Z. Ehler and J. B. Morrall, eds., *Church and State Through the Centuries: A Collection of historic documents with commentaries* (London, 1954), p. 91. Simultaneously with the publication of *Unam Sanctum*, a contrary view was being put forward by John of Paris. 'There were two major errors current in his day, John maintained: the error of those who taught that it was not licit for the church to hold any property [the Waldensians], and the error of those who believed that all temporal possessions were subject to the spiritual power [Giles of Rome]'. B. Tierney, *The Crisis of Church & State 1050-1300* (Eaglewood Cliffs, Prentice-Hall, 1964), p. 196.

³⁷ A milder attack came from William of Ockham (c.1290-1349). While rejecting the papal claim of absolute and universal supremacy over church and state, Ockham still described the pope's power as 'grand, singular, and great'. Peter had been appointed as the head of all the other apostles and of all the faithful, and so in spiritual matters the pope had the regular supreme power as regards faith and morals and the divine cult, but limited to only what was necessary to be done. Every pope who had been legitimately elected was not subject to any secular power. The clergy was not a privileged group independent of laity and state. While in a perfect world we might not need the state, in this imperfect world we do. But he also gave the state a role in the oversight of and within the church, describing princes as priests and bishops of a kind. See P. Boehner, *Collected Articles on Ockham*, (New York, 1958), pp. 450-452.

³⁸ R. W. Southern, *Western Society and the Church in the Middle Ages* (Harmondsworth, Penguin Books, 1970), pp. 49-50.

THE REFORMATION IN EUROPE

Luther and Calvin

Historians give diverse interpretations of Luther's attitude to the state. For some, Luther was the champion of freedom;³⁹ to others he was the forerunner of modern fascism.⁴⁰ On the other hand, Neve, a modern American Lutheran scholar states, 'The separation between Church and State belongs to the most significant steps of the Lutheran Reformation'⁴¹.

These diverse interpretations can all be supported from Luther's own writings. Luther changed his mind on a number of issues over the years, adapting to new situations. Underlying everything he said concerning church-state relationships is his view that all secular authority is ordained by God, and every person must honour and obey it. Moreover, those who exercise authority — princes, lords, and others (assuming that they are Christians) are part of the total spiritual estate. All Christians are spiritual with no difference between them in terms of their calling. Thus he denied any essential difference between the clergy and the laity in this regard. They are differentiated only because God has given men various ministries to perform.

As a ruler's authority comes from God, all people must render absolute obedience. In obeying the ruler, people are obeying God. 'If a judge functions in his office and condemns an evildoer to death, it is not his work, but God's office and work which he carries out'.⁴²

Because of this view of secular authority, the question arises as to its limits. Luther saw one very definite limit: secular authority was concerned only with temporal matters, it could not legislate for the soul. If it attempted to do so it would be trespassing into an area that did not belong to it. The basic purpose of the secular authority is to keep good order in the community, protect property, make laws and administer them, show a concern for the poor, punish the wicked — in short, to order

³⁹ W. A. Mueller, *Church and State in Luther and Calvin: A Comparative Study* (Nashville, Broadman Press, 1954), p. 36.

⁴⁰ The American historian McGovern saw Luther as having '... started with a plea for reform in the concept of the Church and ended with a reform in the concept of the State. ... He started with the doctrine of the basic equality of all men, and ended with the doctrine that all men should be subject to the iron will of their secular rulers'. McGovern, *From Luther to Hitler*, p. 31. Quoted in W. A. Mueller, *ibid.*, p. 37. Acton wrote, 'The notion of liberty, whether civil or religious, was hateful to his despotic nature, and contrary to his interpretation of Scripture'. J. E. D. Acton, *History of Freedom: Essays on Church and State* (London, 1952), p. 156.

⁴¹ J. L. Neve, *Churches and the Sects of Christendom*, p. 215. Quoted in W. A. Mueller, *ibid.*, p. 36.

⁴² M. Luther, *Weimer Ausgabe*, XXXII, p. 324. Quoted in W. A. Mueller, *ibid.*, p. 41.

the temporal life of the society.

On the other hand, the souls of people come under the authority of the gospel proclaimed by the church. He spoke, for example, of the secular government as the kingdom of God's left hand. God's other kingdom, where he himself ruled — that is, where the gospel was effectively proclaimed by the church, was the kingdom of God's right hand. This implies that Luther finally saw the church as superior to the state, because it was there that the authority of God was directly exercised.

Luther had no illusions about the rectitude of secular authorities — they frequently abused their power. Even so, he rejected the idea that people had the right to rebel against wicked rulers. Judgement must be left to God — people must obey even unjust rulers. The only exception was when rulers clearly violate God's law — trying to force a person to act against any of the first three commandments. Even then, disobedience must go no further than passive non-resistance.

Luther demonstrated this approach when confronted with the Peasants' Revolt in 1525. He acknowledged the injustices that had been heaped on them. But when the peasants took up arms against their oppressors, Luther disassociated himself and called upon the authorities to put down the rebellion. He denied that people had the right to seek justice by taking arms.

Consequently he was slow to agree to the German princes resisting the emperor with force. He eventually came to that conclusion, but only when persuaded first that the emperor had in effect surrendered his sovereignty by yielding to papal pressure. And second, that the German princes were in a different position, because of their hereditary titles, in relation to the elected emperor, as compared with other lesser rulers.⁴³ But this did not extend to the people generally. Their prince could lead them into rebellion, but as private citizens they had no such right.

As to whether Luther was on the side of religious liberty, again there is little agreement. He appears to have gone through several stages in his thinking. Up to about 1530, he seems to have advocated a measure of religious liberty. After that date his attitude towards dissenting Protestants, such as Anabaptists, Zwinglians, and Calvinists, was severe in the extreme.

In 1523 he had denied that secular authority had the right to deal with heresy by force.

⁴³ W. D. J. Cargill Thompson, 'Luther and the Right of Resistance to the Emperor', in *Studies in the Reformation: Luther to Hooker*, ed. by C. W. Dugmore (London, Athlone Press, 1980), pp. 37-39.

Yet at the same time some of his opponents were being driven from Wittenberg and Saxony. By 1530 Luther was ready to consent to the death penalty for Anabaptists. Even his close follower, Melanchthon, the 'quiet reformer', expressed the opinion that Anabaptists and other sectarians ought to be killed by the magistrate.

In the practical workings of the Lutheran church established in Germany, Luther involved the state in the official administration of the church in a manner that is reminiscent of the Byzantine pattern. The state had no authority over the inner reality of the church, that is, the invisible church, which Luther believed to be subject only to the direct authority of God. But Luther left the German church — the visible, corporate entity — in a close, subservient relationship to the state. Hence the modern allegation that Lutheranism paved the way for the rise of fascism in Germany, to the extent that, with some notable exceptions, the church failed to resist Hitler.

Calvin, as a second-generation reformer, followed Luther in much of his teaching. Such differences as did exist at the theoretical level were largely of emphasis and refinement. At the practical level, however, there were distinct differences. Comparing the two reformers, Mueller says,

There can be no doubt that Calvin's reform was more radical, more consistent and more effective than Luther's. While Luther retained much of the old religion, especially in the matter of ceremonies, Calvin's rigid logic would not permit him to be satisfied with half-way measures.⁴⁴

Calvin's ideal was of a church that was 'not independent of the state but autonomous and free to act in its own sphere'.⁴⁵ He criticised developments in Germany, and this was sufficient reason for him to try to set out clearly the distinction between the church and the state.

For Calvin as for Luther, the modern concept of a secular state was quite beyond his thinking. The two reformers saw the church and the state as aspects of the one

⁴⁴ W. A. Mueller, *Church and State in Luther and Calvin: A Comparative Study* (Nashville, 1954), p. 74. Parker sees two primary reasons for the different out-workings of Lutheranism and Calvinism: 'First and foremost there is a striking difference of environment. Lutheranism began in Saxony, a typical princely state of the Empire, ... Calvinism, on the other hand, besides being French in origin, developed in the midst of the burgher community in Switzerland, the land of freedom, where republican traditions were strong. ... The second ... reason for the divergent development ... lies in Calvin's conviction that the supreme principle in theology is the will of God. What God has commanded must be done, down to the last detail'. T. M. Parker, *Christianity and the State in the Light of History* (London, 1955), pp. 156-157. See J. Calvin, *Institutes of the Christian Religion* trans. by F. W. Battles (London, 1960) (Library of Christian Classics, vols. 20-21) II. vii. 13. Also, see M. Luther, 'Temporal Authority: to What Extent It Should Be Obeyed', in *Luther's Works*, vol. 45 (Philadelphia, 1962), p. 89.

⁴⁵ F. Wendel, *Calvin: the Origins and Development of His Religious Thought* trans. by P. Mairet (London, Collins, 1963), p. 64.

Christian totality. Both realms were subject to God, and both derived whatever authority they possessed from God.

As compared with its role in modern society, Calvin had a very restricted view of the role of the state. He looked at the state with one dominating interest — what service it could perform for the church and for God's kingdom. He defended the state against the papacy, which he believed had usurped much of the temporal authority of the state, also against the Anabaptist groups as the promoters of anarchy (see below).⁴⁶

The medieval popes had claimed that princes derived their authority from God, but, through the vicar of Christ upon earth. Against this view Calvin argued that they received it directly from God,⁴⁷ and at some points, emphasised the divine right of kings. He believed that this was the case even with tyrannical rulers.⁴⁸ The hand of God is at work even in non-Christian rulers, secretly directing the affairs of men. God is the primary cause of everything that happens in the world, and his providence stands over all.⁴⁹ Calvin expected that most rulers would be corrupted by the position they held. But the judgement of tyrannical rulers must be left in the hands of God, who might raise up someone to overthrow the tyrant.

Together with Luther, Calvin was firm in his belief that an individual had no right of rebellion against a tyrannical ruler.⁵⁰ He goes further than Luther, however, when it comes to removing a tyrant. Luther restricted that to hereditary princes. Calvin would allow it to lower orders within the state, minor authorities such as magistrates, princes, and parliaments. He even saw it as virtually an obligation on the lesser authorities, otherwise they are conniving in tyranny and sharing the guilt.⁵¹ For such, even tyrannicide is acceptable to Calvin.⁵²

Argument developed in Geneva over the question of excommunication. Calvin emphasised that while the state had the coercive power of jurisdiction, the church, on

⁴⁶ Calvin presents us with an exalted view of the state, evidenced in the way he speaks of the princes — they are the *vicars* of God, the *officers* of God (Genevan Confession of 1536. Quoted in Mueller), the *foster fathers of the church*, and are themselves '*gods*' (*Institutes*, IV. xx. 4 & 5). See W. A. Mueller, *Church and State in Luther and Calvin: A Comparative Study* (Nashville, 1954), pp. 137 and 129.

⁴⁷ Articles of Lausanne 1536, Quoted by W. A. Mueller, *ibid.*, p. 137.

⁴⁸ Calvin, *Commentaries on the Epistles to Timothy, Titus, and Philemon*, p.51; Calvin, *Opera*, XXXVIII, 544. Quoted in W. A. Mueller, *ibid.*, p. 131; Calvin, *Commentaries on the Epistle to the Romans*, p. 478.

⁴⁹ J. Calvin, *Commentary on the Book of Ezekiel*, II, 205.

⁵⁰ J. Calvin, *Institutes of the Christian Religion* trans. by F. W. Battles (London, 1960)(Library of Christian Classics, vols. 20-21), IV. xx. 32.

⁵¹ J. Calvin, *ibid.*, IV. xx. 31.

⁵² W. A. Mueller, *ibid.*, p.155.

the other hand, could not exercise its power by fine or imprisonment or other civil penalties:

For the severest punishment of the church, the final thunderbolt, so to speak, is excommunication, which is used only in necessity. Now, this requires no physical force but is content with the power of God's Word.⁵³

For many years the civil authorities refused Calvin this power. In a compact unitary society like Geneva, the effects of excommunication upon a citizen were quite severe in a temporal sense. It made the person virtually a 'persona non grata' in society, without any further action by the state. This was a situation where a strict separation of powers such as Calvin contended for became rather unreal.

He assumed that the church and the state would be coterminous — the king and the magistrates would be Christians, and the whole nation with them.⁵⁴ He also, in common with most in his day, assumed a dualistic view of human nature. That made it possible to speak of a spiritual power of the church directed to one part of a person, the spirit, and a temporal power directed to the person's physical body and possessions.⁵⁵

Calvin's teachings have been tremendously influential amongst Protestants.⁵⁶ John Knox carried the calvinistic pattern of reform to Scotland, where it was especially effective. His influence was strong amongst the smaller Protestant groups in England, and later in North America. Through Scottish Presbyterianism and to a lesser extent the non-conformist groups in England, Calvinism has had an impact on developments in the Australian colonies.

Luther, on the other hand, has not been so influential in the countries that have contributed most to the development of Australian society.

The Anabaptists.

'Anabaptist' is a general term covering a diverse range of groups that came in the wake of the Reformation led by Luther. Though small in number, the Anabaptists were of considerable interest and potential politically.⁵⁷ Because they were seen by all the

⁵³ Calvin argued that it was a usurpation of power for the church to claim that it had any right to wield the power of the sword. See J. Calvin, *Institutes of the Christian Religion* trans. by F. W. Battles (London, 1960)(Library of Christian Classics, vols. 20-21), IV, xi, 5 and 8.

⁵⁴ *ibid*, 4 and 16.

⁵⁵ This dualistic view of human nature is rejected by modern theologians, as not compatible with the scriptures and the christian tradition.

⁵⁶ See K. Holl, *Gesammelte Aufsätze zur Kirchengeschichte*, III, pp. 273-274. Quoted in W. A. Mueller, *Church and State in Luther and Calvin: A Comparative Study* (Nashville, 1954), p. 75.

⁵⁷ Claus-Peter Clasen, *Anabaptism: a Social History, 1525-1618* (New York, 1972), pp.14-29. For the period covered by his investigations, Clasen found evidence for only 11,175 Anabaptists

major players in the sixteenth century as a serious threat to the established order, they were persecuted and largely driven underground. Several centuries passed before their influence showed itself in affairs of church and state.

Comparing Luther and Calvin with their Anabaptist opponents, Peachey comments, 'The magisterial reformers had before them a model ... fleshed out during twelve hundred years of history. The radicals ... were groping towards something which did not yet exist'.⁵⁸

In contradistinction to the Catholics, the Lutherans, and the Calvinists, the Anabaptists stood for a far more radical separation of church and state than was acceptable in sixteenth century Europe.

Like other Christians, they believed that all rulers, good and bad, were given their power by God, and were to be obeyed. Such authority was limited, however, to purely secular matters, and they denied any role for the magistracy within or upon the church. Furthermore, God had ordained government only for non-Christians. When all the world was Christian there would be no governing bodies, and so Christians could not participate in government.⁵⁹

... almost all the Radicals insisted on the utter separation of the church from the state and found in the willingness of the Magisterial Reformers to use the coercive power of princes, kings, and town councillors an aberration from apostolic Christianity no less grievous than papal pretensions.⁶⁰

They forbade all oaths.⁶¹ Most were pacifists, and some argued for religious toleration — not popular views in the sixteenth century.⁶² Such views, however, have come into

in Central and Southern Germany, Switzerland, Austria, and Moravia. Even allowing for a large statistical error, it was clearly a very small movement numerically. On this ground Clasen disputes Williams' description of the Anabaptists as 'a tremendous movement at the core of Christendom ... as much an entity as the Reformation itself and the Counter Reformation'. G. R. Williams, *The Radical Reformation* (London, 1962), p. 846. Clasen comments, 'From a quantitative point of view, then, the Anabaptist movement was so insignificant that it is misleading to use the term Reformation at all'. p. 29.

58 P. P. Peachey, 'The Radical Reformation, Political Pluralism, and the Corpus Christianum', in *The Origins and Characteristics of Anabaptism*, ed. Marc Lienhard (The Hague, Martinus Nijhoff, 1977), p. 22.

59 This concept later found an echo in the Marxist-Leninist belief that in the perfect communist community, the state would wither away.

60 Williams, *ibid.*, p. 860.

61 Claus-Peter Clasen, *Anabaptism: a Social History, 1525-1618* (New York, 1972), pp. 172-183.

62 'The Radical Reformers in almost all camps were pacifists'. Williams, *ibid.*, p. 865. Important exceptions were Thomas Muntzer who encouraged and joined the peasants in their uprising in 1524, and those who took control of the city of Munster in Westphalia in 1534. Given the weight of evidence brought together by Williams, Elton's verdict appears unwarranted that Anabaptism 'was in its essence markedly more intolerant than the institutional Church. ... The Anabaptism of the early Reformation ... was a violent phenomenon'. See G. R. Elton, *Reformation Europe* (London, Collins, 1963), p. 103.

their own in the nineteenth and twentieth centuries, and have had a marked impact on the development of Australian society, including the church.

The modern concept of a pluralistic society, of a free church in a free society, is largely consonant with the views of the Anabaptists, but the question of direct influence is difficult to answer. Clasen questions such impact on the modern world, but most writers on the subject take the opposite view.⁶³

Williams sees a connection between the civil war/cromwellian period in England and the development of modern democratic pluralism.⁶⁴ Major supporters of Cromwell were the Baptists and Congregationalists, these having come into existence in the late sixteenth century. The extent of direct Anabaptist influence upon these English developments is impossible to answer, but it seems probable. There had been at least a few Anabaptists in England from around 1530, possibly earlier.⁶⁵ While both the Baptists and the Congregationalists drew much of their theology from Calvin, in their political outlooks they departed from him. Like the Anabaptists, they argued for a church independent and separate from the state, and similarly had to struggle for the right to exist freely in English society. Their struggle for religious freedom and social and political equality in England lasted until the 1870s.

It is not unreasonable to see a connection, albeit by a roundabout route, between the Anabaptists of the sixteenth century and the flowering of liberal democratic thought in the nineteenth and twentieth centuries. With it has come the acceptance of religious pluralism. Williams argues:

One need not agree with all the religious tenets of the Puritans in the English seventeenth century and the religious parties to their left, such as the Levellers and the Diggers, to recognize their indispensable contribution to the evolution of modern democratic society with its voluntarist groups, party systems, and the concept of a loyal political opposition.⁶⁶

Similarly, A. D. Lindsay has stated,

[The] inspiration of modern political democracy came from man's experience of the entirely satisfactory character of democratic government in the Christian congregation — came therefore especially from the Anabaptists and the Quakers — from the men who ... made the small independent congregation the unit of government.⁶⁷

⁶³ Claus-Peter Clasen, *Anabaptism: a Social History, 1525-1618* (New York, 1972), p. 428.

⁶⁴ G. R. Williams, *The Radical Reformation* (London, 1962), pp. 864-865.

⁶⁵ *ibid.*, p.401. Clasen questions whether there was such influence, but his study did not take in northern Europe, and he tends generally to discount Anabaptist influence in all areas. See Clasen, *ibid.*, p. 428.

⁶⁶ Williams, *ibid.*, pp. 864-865. Also S. E. Ozment, *Mysticism and Dissent: Religious Ideology and Social Protest in the Sixteenth Century* (New Haven, Yale University Press, 1973), p. ix. Also F. H. Littell, *The Anabaptist View of the Church* (Boston, Starr King Press, 1958), p. 65.

⁶⁷ A. D. Lindsay, *The Essentials of Democracy* (London, 1929). Quoted by P. P. Peachey, 'The

Another facet of the connection lies in the Anabaptists' 'gripping conviction as to individual responsibility'.⁶⁸ They were not prepared to accept a state-imposed religion that took away the responsibility from the individual. They believed passionately in freedom of conscience, a feature of modern democratic states and of most modern denominations, both Catholic and Protestant.

It is possible then to trace a line of influence of the Anabaptists upon Australian affairs through some of the older English non-conformist denominations that were transplanted to Australia. The same groups had considerable impact in North America, where groups that were direct descendants of the continental Anabaptists, such as the Mennonites, were also present. In nineteenth-century Australia, American patterns were watched with interest.

THE REFORMATION IN ENGLAND

In all those sections of the church that broke away from Rome in the sixteenth century, politics played at least some role, usually mixed in with theological motivations. The reformation in England was unique in that it was caused by Henry VIII for political and personal reasons, while his theological persuasion remained largely Roman. For his early defence in 1521 of the Roman position on the sacraments, Henry VIII and his successors were awarded the title of 'Defender of the Faith'.⁶⁹

As has been mentioned above (see page 10), the power of the papacy in England had already been weakened in the fourteenth century.⁷⁰ The English crown was determined to exercise a measure of control over the church to maintain its sovereignty against foreign interference.

As the papal claims were resisted, so the authority of the king over the church increased. And, says Garbett, '... the outward respect paid to the Pope only thinly concealed the fact that ecclesiastical jurisdiction in England was passing into the hands of the king'.⁷¹ When links with Rome were severed in the 1530s, it was simply the conclusion of the process. As Garbett states, '... except possibly in early days, the Church of England never has had complete freedom. In the Middle Ages it was

Radical Reformation, Political Pluralism, and the Corpus Christianum', in *The Origins and Characteristics of Anabaptism*, ed. by Marc Lienhard (The Hague, 1977), p. 21.

68 G. R. Williams, *The Radical Reformation* (London, 1962), p. 863.

69 A. G. Dickens, *The English Reformation* revised ed. (London, Fontana, 1967), p. 138.

70 By the Statutes of Provisors and the Praemunire enacted in 1351 and 1353, and reinforced again in 1390 and 1393. See H. Bettenson, Ed., *Documents of the Christian Church* (Second edition, Oxford, 1963), pp. 166-173.

71 C. Garbett, *Church and State in England* (London, Hodder & Stoughton, 1950), p. 49.

controlled by the Pope and the Crown; later by the Crown; and eventually by Parliament'.⁷²

Garbett argues against the view that the break came because of Henry's desire for a new wife:

The so-called divorce ... was the occasion but not the cause of the Reformation. If Henry and Catherine had been happy in their marriage and no question had ever arisen of an appeal to the Pope for its annulment, reformation nevertheless would have come sooner or later.⁷³

Garbett supports his contention by pointing to an awakened nationalism which resented papal interference in English affairs; the amount of property owned by the church; the amount of money going out of the country to Rome; the anticlericalism as well as the anti-papalism; the avarice of the clergy.

There was no need for Henry VIII to create anti-clericalism; it was already in existence, but he fanned it into flame and used it to promote his purposes. ... Without the existing unpopularity of the bishops and clergy the king would have been powerless.⁷⁴

In 1534 the process culminated in the Act recognizing Henry as 'Supreme Head of the Church of England'. That gave him the power to 'visit, repress, reform, order, correct, restrain, and amend all such errors, heresies, abuses, offences, contempts and enormities whatsoever they be which by any manner spiritual authority or jurisdiction ought or may lawfully be reformed'.⁷⁵ Elizabeth I softened the title later to 'Supreme Governor'.

Parliament, at Henry's behest, had played an important role in this rapid change in church-state relationships.

With remarkable political skill he enlisted its aid in the difficult and dangerous operations in which he was engaged. The measures against both the Pope and the clergy, as well as the assertion of the Royal Supremacy found their way into the Statute Book.⁷⁶

Bindoff points out that the 'Reformation Parliament' was no merely passive instrument in his hands. It so happened that the interests of both king and parliament coincided.

His 'faithful commons' did what he asked them to do, not simply because he asked them to do it, but because it was what they themselves would have done if they, and not he, had been responsible for shaping policy. The House of Lords, with its large ecclesiastical element, naturally showed less enthusiasm for his programme. But already ... the parliamentary centre of gravity was shifting from the Upper House to the Lower. ... King and Commons were too

⁷² C. Garbett, *Church and State in England* (London, 1950), p. 5.

⁷³ *ibid.*, p. 50.

⁷⁴ *ibid.*, pp. 51-53. Also, A. G. Dickens, *The English Reformation* revised ed., (London, 1967), pp. 123 and 138. S. T. Bindoff, *Tudor England* (London, Penguin, 1950), pp. 78-79, points to the 'benefit of clergy' which freed them from the jurisdiction of the civil courts as a major factor in this anti-clericalism.

⁷⁵ Quoted in Garbett, *ibid.*, p. 60.

⁷⁶ *ibid.*, p. 63.

formidable a combination for the Lords, just as King and Parliament were too formidable for the Church. ... [the English reformation] was an act of state which embodied, to a degree perhaps never equalled in English history, the collective will of the nation.⁷⁷

It was the laity of the English church flexing its muscles over the clergy. Trevelyan commented, 'The Reformation was ... a lay revolution carried by Crown and Parliament — more especially by Crown and Commons — against the will of the Church authorities'.⁷⁸

Henry was succeeded by Edward VI in 1547, born ten years earlier. Because of Edward's age, control of the church swung towards the civil power, until Edward was succeeded by Mary in 1553. Mary, staunchly Catholic, pulled control of the church back into her own hands.

She in turn was succeeded by her half-sister Elizabeth in 1558. Elizabeth is credited with stabilising the Church of England. Leaving aside the time of the civil war and the cromwellian period, it has, with only minor changes, been able to persist through to the present. She gave England a church both mildly Protestant and mildly Catholic. The prayer-book of 1552 was reissued in 1559 with minor alterations designed to placate Catholics, with its use made compulsory.

While throughout her reign there were always small numbers of dissenters, on the whole Elizabeth's policy was successful in uniting the great mass of the people behind her religious settlement. Richard Hooker in 1594 declared,

Here in England there is not a man who is a member of the Church of England who is not a member of the commonwealth; and there is not a man who is a member of the commonwealth who is not a member of the Church of England. ... There is a distinction between Church and state, and yet the same group is both Church and state.⁷⁹

Despite the slightly changed title from 'Head' to 'Governor', Elizabeth was as determined as her father to keep the control of the church in her own hands.⁸⁰ She did not allow parliament to share that control to any significant degree. She defended the church against the parliament, instructing the Commons that 'henceforth no bills concerning religion should be received into the House, unless they had first been considered by the clergy'⁸¹.

⁷⁷ S. T. Bindoff, *Tudor England* (London, 1950), pp. 98-99.

⁷⁸ G. M. Trevelyan, *The History of England* (1937), p. 329. Quoted in C. Garbett, *Church and State in England* (London, 1950), p. 69.

⁷⁹ From *Hooker's Polity in Modern Speech: The Ecclesiastical Polity Abridged and Paraphrased* (Sewanee, 1950), quoted in H. T. Kerr, ed. *Readings in Christian Thought*, (Nashville, Abingdon, 1966), p. 179.

⁸⁰ S. T. Bindoff, *ibid.*, p. 192.

⁸¹ C. Garbett, *ibid.*, pp. 65-66.

Garbett comments.

Towards the end of Elizabeth's reign there were signs of the Crown and the Church drawing together in opposition to the growing power of Parliament. In the next reigns Crown and Church stand and fall together to the great injury of the Church. On the one side were king and the Church, on the other Parliament and the Puritans; the former represented absolutism, the latter constitutionalism.⁸²

Elizabeth was succeeded in 1603 by James I. The external threat posed by catholicism to the Church of England during his reign was minor compared to the internal threat posed by the Puritans. These were well represented in the Commons, and wanted a more Protestant church after the continental model. James inclined in the other direction, which added to the breach between king and parliament. This policy was accentuated when Charles I came to the throne in 1625 along with his Catholic queen, Henrietta Maria, the daughter of Henry IV of France. He suspended the penal laws against Catholics, and consequently the queen became the centre of Catholic intrigue. With William Laud, his Archbishop of Canterbury assisting, Charles pursued a policy aimed at removing Calvinists from positions within the church, at the same time promoting those of a more Catholic sentiment. The swell of opposition led to Laud's impeachment by the parliament, and finally his execution in 1645.

Civil war had broken out in 1642, leading to Charles' defeat in 1645-46, and his execution in 1649. However, this victory for puritan dissent and parliament survived only two years after Cromwell's death in 1658.

The experiment ended with the return of Charles II in 1660 and the re-establishment of the Church of England. The 'Convention Parliament of 1660 turned back the clock to the summer of 1641'.⁸³ The two convocations were summoned, and a committee was established to revise the prayer-book. The book of 1662 was approved both by convocations and parliament, and a further Act of Uniformity was passed which made its use obligatory. It was the first prayer-book since the time of Henry VIII to have the official sanction of both church and state.

Puritanism was excluded from the Church of England, and the more rigorous Protestant clergy forced to become nonconformists along with Presbyterians, independents, Baptists, Quakers, and others. England entered into a period of severe repression.

⁸² C. Garbett, *Church and State in England* (London, 1950), p. 71.

⁸³ J. P. Kenyon, *Stuart England* (London, Penguin Books, 1978), p. 181.

Five restrictive Acts, known as the 'Clarendon Code', were passed by the parliament:

- a. In 1661 parliament passed the Corporation Act, requiring all holders of municipal office to take an oath of allegiance and acknowledge the Royal Supremacy. It required them to take communion in an Anglican church.
- b. In 1662 the Uniformity Act required clergy likewise to take an oath of allegiance and acknowledge the Royal Supremacy — leading to a purge of almost two thousand clergy. The Licensing Act censored publications — in effect giving parliament the right to determine the standards of the national faith, a right which Elizabeth had refused.
- c. In 1664 the Conventicle Act made all persons attending any non-Anglican religious service liable to a fine or imprisonment, and transportation after a third offence.
- d. In 1665 the Five Mile Act restricted the movements of nonconformists who had previously been ministers in parishes.

In a move against Catholics the parliament forced Charles to accept the Test Act of 1673, requiring all holders of public office to receive communion in the Church of England; to accept the Royal Supremacy; *and to reject the doctrine of transubstantiation.*

Throughout this period Charles leaned towards Rome, and he was received into that church on his deathbed in 1685.⁸⁴ His brother James II succeeded him, against the wishes of parliament, as he already had converted to Rome in 1668. His setting aside of the 1673 Test Act aroused great opposition, and paved the way for the bloodless revolution in 1688 and the subsequent arrival of William of Orange. The accession of William and Mary to the English throne made it impossible for the church to hold any longer to the doctrine of the divine right of kings.

POST-REFORMATION ENGLAND

In 1689 the Toleration Act gave freedom of worship to most dissenters, with the exception of Catholics and Unitarians. Provided that they would take oaths of allegiance and acknowledge the Royal Supremacy, most Protestant dissenters were relieved of the effects of the Conventicle Act.

⁸⁴ In the Treaty of Dover signed with France in 1670 against the Dutch, Charles inserted a secret clause undertaking to declare himself a Catholic at the appropriate time, in return for a large monetary payment from France. See J. P. Kenyon, *Stuart England* (London, 1978), p. 205.

An important effect of the revolution was that much of the authority that had resided previously in the king passed to the parliament.

It was in the future Parliament, and not the Crown, which controlled the Church. This was a constitutional change of vital importance; though more gradual and less sensational it eventually affected the freedom of the church to an extent comparable only to the action of Henry VIII in annexing to the Crown powers previously possessed by the Pope.⁸⁵

This authority of the parliament did not of itself pose a problem for the church while the parliament consisted solely of Anglicans, which was so until 1832. From that date it included dissenters and non-Christians voting on issues within the Church of England.

Because the two archbishops and twenty-four bishops sat in the House of Lords, and as the nominations of the bishops were in the hands of the crown, appointments were often made largely on political grounds. Queen Anne appointed tory bishops. Her German successors favoured the whigs, with the result that, within a relatively short time, the bishops' bench was filled with bishops of whig leanings.

This politicising of the church was the more serious because of the economic pressure on most bishops to become involved in the affairs of government. Rewards were given for faithful service to the government, and so bishops tended to be 'first and foremost politicians, and politicians are rarely men of the spirit'. This pattern of preferment reached down through the lower orders of the clergy. It 'was the discreet, assiduous politician who was the successful cleric'.⁸⁶

From 1717 the two convocations were regularly suspended, which denied to the church any opportunity to assemble *as a church* to discuss its affairs. It was a situation apparently preferred by many bishops, as it left the government of the church in their own hands, apart from the lower clergy. It also led to an assumption that parliament itself was in effect an assembly of the church. The Lords was akin to a house of bishops and the Commons akin to a house of laity,⁸⁷ together competent to decide church affairs. The result was that the 'Church came to be regarded simply as a department of the State under the control of Parliament'.⁸⁸ The parish churches served

⁸⁵ C. Garbett, *Church and State in England* (London, 1950), p. 86.

⁸⁶ J. H. Plumb, *England in the Eighteenth Century* (London, Penguin Books, 1950), pp. 42-43, 45.

⁸⁷ Writing in the *Colonial Church Chronicle* in February 1853, a correspondent (F. H. D.) wrote, 'One important reason why the parliament of this country intermeddles with the details of ecclesiastical affairs is, that it has been held to represent the laity; and in some respects it does so. It is not unlikely that the colonial parliaments may seek to do the like, and may do far worse things about the Church than ever our House of Commons has done. The remedy lies ... in giving the laity themselves those rights which are the ground of the claim'. *Colonial Church Chronicle*, Vol. VI, February 1853, p. 289.

⁸⁸ C. Garbett, *ibid.*, p. 91.

as the news media of the day, with official notices nailed to the doors.

The restrictive Acts of Charles II's reign remained in force, but were applied to non-conformists with increasing leniency during the eighteenth century. Stanhope made unsuccessful attempts to repeal the Test and Corporation Acts in 1718, but he was opposed by the Archbishops. From 1727 annual Bills of Indemnity were passed to give minor relief to dissenters. From 1723 a small monetary grant was made annually by the king for the relief of dissenting ministers and their widows. There were further unsuccessful attempts at repeal in 1736 and 1789.⁸⁹

The French Revolution caused a temporary shift of opinion in a conservative direction. The publication of Burke's *Reflections on the French Revolution* increased opposition to dissenters,⁹⁰ but by the early nineteenth century it was evident that the situation of the non-conformists in England would have to be changed.

In the second half of the eighteenth century the Methodist societies grew rapidly, first within, then alongside, and finally outside the Church of England. Methodism's breakaway to become a separate denomination further increased the number of nonconformists by the turn of the century. They then numbered around two million out of a population of thirteen million.⁹¹ The percentage and influence of the dissenting population were such that Anglican privileges could not be sustained much longer.

The break came in 1828 with the repeal of the Test and Corporation Acts.⁹² That was followed in 1829 by the Roman Catholic Relief Act which admitted Catholics to most public offices, though a few restrictions remained on all dissenters.⁹³ These two Acts made it possible for non-Anglicans to become members of parliament. The reform of that body in 1832, with a limited extension of the franchise, made such participation a reality. It gave dissenters the hope of the eventual removal of the remaining grievances.

Foremost amongst these was the question of church rates, and the laws that required all marriages to be performed in the parish churches. The second of these was removed in 1836.⁹⁴ In 1868 Gladstone made church rates a voluntary matter.⁹⁵

⁸⁹ R. W. Dale, *History of English Congregationalism* (London, Hodder & Stoughton, 1907), pp. 517, 519-520, 568-569. Also R. T. Jones, *Congregationalism in England: 1662-1962* (London, Independent Press, 1962), pp. 143-145, 184, 190-198.

⁹⁰ *ibid.*, p. 185.

⁹¹ D. Thomson, *England in the Nineteenth Century* (Harmondsworth, Penguin Books, 1978), p. 60.

⁹² R. T. Jones, *ibid.*, pp. 195-198.

⁹³ Some restrictions were repealed in 1926, and a few still remain in force, such as the law which restrains either the king or the queen from being a Catholic.

⁹⁴ R. W. Dale, *ibid.*, pp. 626-627. At the same time a national system of registering births and

A remaining bone of contention was the exclusion of dissenters from the ancient universities. This had led in the seventeenth and eighteenth centuries to the growth of the dissenting academies. Their primary interest was the teaching of theology, but their freedom from constraints allowed them to branch out into the newer areas of learning. 'Freedom, Liberty, Right, Reason, Necessity, these were the great girders upon which they built their treatises of philosophical liberalism. ... They were leaders in the agitation for parliamentary reform ...'⁹⁶

The establishment of the University of London in 1836 made a university education available to all. There was still discontent over the exclusion of a large section of the population from Oxford and Cambridge until 1871 when the University Test Acts were passed.⁹⁷

Within the Church of England itself, the nineteenth century saw considerable change in its attitude and relationship to the state. The biggest influence was the Oxford Movement, triggered originally when the government moved to reduce the number of bishoprics in the (Anglican) Church of Ireland. This interference in the internal affairs of the church led to a questioning of the relationship that had evolved between the church and the state, where the church was clearly subservient. By stressing that the church was not a creation of the state, Newman and his Tractarian associates emphasised its essential independence from the state. It raised serious questions concerning the shape of the establishment in England.

As the century progressed, the possibility of disestablishment was pushed by some dissenters. In part it was a reaction to the success of the Oxford Movement with its emphasis on ritual and the adoption of what were seen as strong elements of Catholicism. Dissenters feared that the major portion of English Christianity would shortly be reunited with Rome. The disestablishment of the Church of Ireland in 1869 encouraged dissenters to press even harder, and the movement reached its peak in the 1870s.⁹⁸ By the 1890s, however, the attention of most dissenters had turned to other

deaths by civil officers was introduced. A still irksome requirement was the presence of the registrar at weddings in the chapels. This was finally removed by a further Act in 1898. See R. T. Jones, *Congregationalism in England: 1662-1962* (London, 1962), p. 271. Also, F. L. Cross, ed., *Oxford Dictionary of the Christian Church*, (Oxford, 1958), p. 407. Art. 'Dissenters' Marriage Act'.

⁹⁵ R. T. Jones, *ibid.*, p. 272.

⁹⁶ J. H. Plumb, *England in the Eighteenth Century* (London, 1950), pp. 134-135.

⁹⁷ R. T. Jones, *ibid.*, p. 272; R. W. Dale, *History of English Congregationalism* (London, 1907), pp. 629-630. It was then possible to take all degrees other than those in divinity without subscription to any credal test.

⁹⁸ The Congregationalists, Edward Miall and John Williams were the leaders. In 1844 the 'British Anti-State-Church Association' had been formed, known from 1856 as the 'Liberation Society'. This body campaigned vigorously over the following decades. See ch. 3 below for further

things.

Serious consideration of disestablishment was not limited to non-Anglicans. Some eminent Tractarians gave serious consideration to the possibility. In 1833 Keble declared,

[We] ought to be prepared to sacrifice any or all of our endowments ... 'Take every pound, shilling and penny, and the curse of sacrilege along with it; only let us make our own Bishops, and be governed by our own laws.' This is the length I am prepared to go ...⁹⁹

In a more extreme vein, Pusey in 1838 complained of the government's reforming body, the Ecclesiastical Commission,

We shall live under the threat of the Commission, it will be our legislative, executive, the ultimate appeal of our bishops; it will absorb our Episcopate; the Prime Minister will be our Protestant Pope.¹⁰⁰

W. E. Gladstone in the 1830s was a strong supporter of the Royal Supremacy and the establishment. By the 1870s he was looking seriously at the possibility of disestablishment. His change of attitude had come largely through his involvement with the colonial branches of the Anglican family during his time at the Colonial Office, and the influence of the Oxford Movement.¹⁰¹

One incident that had a dramatic effect upon many Anglicans' opinion was the Gorham case in the mid-century. The Bishop of Exeter had refused to institute an evangelical minister to a living in his diocese on the ground of his theological opinions. Gorham appealed, eventually to the Judicial Committee of the Privy Council, and won.

This was a great shock not only to the Tractarians but to all who believed in the authority and independence of the Church. Here was a decision on a purely doctrinal question being made by a lay tribunal. The whole country was stirred by this incident. A pamphlet war broke ensued, and Manning and a few others were so disgusted with the Church of England that they went over to Rome.¹⁰²

details. Also R. W. Dale, *History of English Congregationalism* (London, 1907), pp. 635-640; and R. T. Jones, *Congregationalism in England: 1662-1962* (London, 1962), p. 277.

⁹⁹ Keble to Newman, 8 August 1833, quoted in G. I. T. Machin, *Politics and the Churches in Great Britain 1832-1868* (Oxford, Clarendon Press, 1977), p. 86. In 1836 Keble said that 'State-enslaved Establishments were worse than no Establishments'. Machin, *Ibid.*

¹⁰⁰ *British Critic*, xxiii (1838), p. 526. Quoted in G. I. T. Machin, *ibid.*, p. 85.

¹⁰¹ See, for example, W. E. Gladstone, *The Royal Supremacy; as it is defined by Reason, History, and the Constitution*, 3rd Edition (London, 1877), pp 40-51. 'He began his parliamentary career the defender of an exclusive Anglican establishment. The purgative experiences of the 1840s and early 1850s left him convinced that an ecclesiastical establishment could be justified only on utilitarian grounds. Social justice had become the principle of his political action ... He had travelled a long and tortuous path from a belief in a Christian commonwealth towards the liberal idea of a free Church in a free State'. P. Butler, *Gladstone: Church, State, and Tractarianism: A Study of his Religious Ideas and Attitudes, 1809-1859* (Oxford, Clarendon Press, 1982), p. 232.

¹⁰² J. R. H. Moorman, *A History of the Church in England* 2nd Ed. (London, Adam and Charles Black, 1967), p. 354. W. G. Broughton in a long letter to Gladstone contended that no

However, disestablishment did not come about, and by the end of the century had ceased to be a matter of great concern. What was achieved was a greater measure of independence for the Church of England. The two convocations were permitted to meet regularly, and the highly privileged position of that church as compared with the various dissenting denominations was reduced.

THE CHURCH IN IRELAND

As the source of a significant proportion of the Australian population, a brief review of Irish history is important for this study. Christianity had come to Ireland in the fifth century, and by the twelfth century the island was regarded as a papal fief. In 1155 the pope handed over the country to Henry II of England, but the country was never brought under the complete control of England.

In 1537, Henry VIII was proclaimed as 'Supreme Head of the Church of Ireland'. It was thus cut off from Rome in a similar manner to the church in England, and at first this was accepted by both clergy and laity 'with few qualms'. But beyond the Pale, the area immediately surrounding Dublin, this change never had more than partial effect. The mass of the people rejected it as simply another English attempt at conquest. In any case, as in England, Henry never intended it to lead to a change from Catholic doctrine and liturgy. Irish bishops were re-united with Rome during Mary Tudor's brief reign.¹⁰³

When Elizabeth insisted on the Acts of Supremacy and Uniformity being applied, their application again hardly extended beyond the Pale.

Both the Gaelic population and the older English stock held to the Roman Catholic faith, partly from conservatism and partly in opposition to rule from England. ... The Roman Catholic Church was rapidly becoming the symbol and bond of Irish nationalism.¹⁰⁴

Irish Catholics were encouraged to resist, but when the Jesuit David Wolfe landed in Ireland and gathered a band of missionaries in the south with the hope of winning back to Rome the few who had turned to Protestantism,

Elizabeth's retort was prompt and severe. Ruthless armies were let loose in the island; and as they advanced, massacring bishops and priests, pillaging monasteries and convents, an Anglican clergy was introduced, to whom their property was transferred.¹⁰⁵

ecclesiastical court or judge should decide whether a claimant is entitled to enter into and possess rents and profits of a benefice. Broughton to Gladstone, 18 August 1851. Gladstone Papers, Add. 44370, ff. 243-252.

103 J. C. Beckett, *The Making of Modern Ireland: 1603-1923* (London, Faber and Faber, 1969), p. 19; Pierre Janelle, *The Catholic Reformation* (Milwaukee, Bruce Publishing, 1963), p. 255.

104 K. S. Latourette, *A History of Christianity* (London, Eyre and Spottiswood, 1954), p. 829.

105 H. Daniel-Rops, *The Catholic Reformation* (London, Dent & Sons, 1962), p. 203.

Irish Catholics had high hopes that the accession of James I in 1603 would bring a change of policy. James bowed to pressure from his Privy Councillors, however, and was forced to increase pressure against Catholics in both England and Ireland.¹⁰⁶

In the early seventeenth century there was colonisation of Ireland by considerable numbers of English and Scottish settlers to strengthen the Protestant population in the country. This was unsuccessful except in the north-east, where the Presbyterian settlers eventually outnumbered the Catholics.

Charles granted freedom of worship in 1646, hoping to win the Irish to his side against the puritans, but this led to disaster for the Irish once Cromwell had defeated the king's supporters in England. Vigorous persecution was again launched against Catholic Ireland, with further massacres. Cromwell deprived Catholics of their property, and gave it to soldiers of the puritan forces. The Cromwellian period was the most difficult of all for Irish Catholics, with severe persecution launched against the clergy. Largely unsuccessful attempts were again made to convert the people, but the 'Irish question remained like a wound in the side of England'.¹⁰⁷

Under James II, William, Anne, and the Hanoverians, the Catholic population gained some relief so far as their religion was concerned. Instead, they were ground down economically and politically, being excluded from the Irish parliament which was restricted to members of the Church of Ireland. The second half of the eighteenth century was a period of intense discontent. Rebellion always appeared as a Catholic revolt against the Protestant government, so every pacification brought harsher laws against Catholic priests and laymen, who were deprived of the few rights of citizenship left to them.¹⁰⁸

The French revolution and its aftermath saw the severe persecution of Catholic priests in France by the Jacobins, which aroused sympathy for their cause in England. Pitt attempted a solution of the political and religious problems in Ireland. He united the Irish parliament with the English, and attempted to grant Irish Catholics the right to

¹⁰⁶ R. T. Jones, *Congregationalism in England: 1662-1962* (London, 1962), pp. 51-53.

¹⁰⁷ H. Daniel-Rops, *The Church in the Seventeenth Century*, (London, Dent & Sons, 1963), pp. 159-160.

¹⁰⁸ The deprivation of the Irish people during the seventeenth and eighteenth century is evidenced by the severe decline in land ownership. In 1641, 59% of the land was in the hands of Irish land-owners. By 1688 that had decreased to 22%, by 1703 to 14%, and by 1788 to 5%. Ninety-five percent of the country had passed mostly into the hands of English landlords, with a small portion in Scottish ownership. The poverty of the Catholic peasantry was such that they cared little whether their landlords were Catholic or Protestant. See J. Brady and P. J. Corish, *The Church Under the Penal Code* (Dublin, Gill and Macmillan, 1971), p. 1, and M. Wall, 'The Age of the Penal Laws (1660-91)' in T. W. Moody and F. X. Martin, eds., *The Course of Irish History* (Cork, The Mercier Press, 1967), pp. 220-221.

sit in both houses of the united parliament. They had been given the vote in 1793. At the same time he hoped to establish both Irish Catholicism and Irish Presbyterianism alongside the Church of Ireland, with the state paying Catholic priests and Presbyterian ministers.¹⁰⁹ The union of the two parliaments came about in 1800, and the Church of Ireland became part of the United Church of England and Ireland. But on the question of allowing Catholics to sit in parliament Pitt was defeated by the king, and resigned over the issue. Catholic emancipation was delayed for another twenty-nine years.

Throughout this post-reformation period Catholicism continued as the religion of the great majority of the Irish people. The census in 1861 showed that of a total population of 5.8 million, 4.5 million were Catholics, 0.7 million were Anglicans, and the Presbyterians numbered 0.6 million. The repression of the Catholics in Ireland followed a similar but more severe pattern to that of the dissenters in England. There was similar agitation against the payment of tithes and rates by the majority to support the established church of the wealthy minority. In 1869 Gladstone was successful in disestablishing the Irish section of the United Church, which has continued since then as an independent member of the Anglican family.¹¹⁰

The Irish question dominated the parliamentary scene from 1875 until the end of Victoria's reign more than any other problem. ... Throughout the century Ireland had been the greatest single source of violence and political upheaval in English politics.¹¹¹

Gladstone's efforts to carry the country with him on the question of home rule in 1886 and 1893 were unsuccessful, and the Irish problem has continued to haunt British politics.

The American and French Revolutions and their aftermath presented opportunities for Irish rebellions. That led to increased numbers of Irish political prisoners in English gaols, and a disproportionate number amongst the convicts transported to Australia. The long-standing bitterness of the Irish towards the English came with them, and influenced Australian politics and religious affairs throughout the nineteenth and early twentieth centuries.

In the medieval period the church in Ireland had been comparatively independent of Rome, and there was not really any Irish nation as such. English repression drove

¹⁰⁹ E. Halevy, *England in 1815* 2nd ed. (London, Ernest Benn, 1949), pp. 478-480.

¹¹⁰ A minor concession to Irish Catholics was the setting up of the Maynooth College for the training of priests in 1795, supported by a small grant from the government. It was cut adrift from state support in 1869, receiving in its place a termination grant. See K. S. Latourette, *Christianity in a Revolutionary Age: A History of Christianity in the Nineteenth and Twentieth Centuries*, vol. 1 (Exeter, Paternoster Press, 1970), p. 453.

¹¹¹ D. Thomson, *England in the Nineteenth Century* (Harmondsworth, 1978), p.180-183.

Irish Catholics into the arms of Rome. The effect of the cromwellian period was to make 'Irish' and 'Catholic' synonymous. The 'union of Catholics in Ireland was, from first to last, a Protestant achievement, not a Catholic one'.¹¹² In the nineteenth and twentieth centuries the Irish church has been more markedly *Roman* in its orientation than many of its counterparts elsewhere. The same orientation was stamped firmly upon Australian catholicism, and has tended to aggravate Protestant-Catholic tensions in this country.

THE CHURCH IN SCOTLAND

In England the Reformation came at the instigation of the crown, but with no desire to follow new doctrinal teaching. In Scotland on the other hand it came in spite of the crown, and from the beginning was based upon the theology of John Calvin. It was largely these factors that made for a distinct difference in church-state relationships in the centuries which followed.

In 1560, with help from England, French troops were expelled from Scotland, and French influence in the country was largely broken. Shortly afterwards the Scots Confession, calvinistic in theology, and largely the work of John Knox, was adopted by the Scottish parliament as the creed of Scotland. Papal jurisdiction was abolished.

The Presbyterian Church of Scotland that emerged after 1689, after several vicissitudes, was an established church, subject to parliament, but was more loosely attached than was the Church of England. This had come about partly because of the different ways the reformation had come to each country. Another factor was the more democratic nature of Presbyterianism, with the laity having a larger role to play in the local congregations and the government of the church. Scottish settlers came to Australia very conscious of their heritage as members of an established church, and were determined not to acquiesce in Anglican domination.

SUMMARY AND CONCLUSION

Richard Hooker's picture of the unitary society in his *Ecclesiastical Polity* of 1594 (see above, page 20), where the members of the church and the members of the commonwealth were largely the same, had become inapplicable by the nineteenth century. The long struggle by the dissenting Protestants and Catholics had come to fruition. All attempts at an enforced unity had given way to an acceptance of religious pluralism. 'The old ideal of uniformity and conformity took a long time to die, though

¹¹² P. J. Corish, *The Origins of Catholic Nationalism* (Dublin, 1968), p. 57.

it was doomed after 1829. There was still a State-Church: there was no longer a Church-State'.¹¹³ The same was substantially true of Ireland and Scotland — also of Wales, which has not been treated here.

Thus, in the whole of the British Isles — the major source for migration to Australia through the nineteenth century — people had by the 1830s largely accepted religious pluralism and mutual toleration. The majority of the migrants who arrived in Australia were determined to pursue that ideal.

Hooker's sixteenth-century picture was congruent with the pattern of unitary societies that had applied throughout most of recorded history. He was unaware that he was standing at a watershed in the historical development of western Christianity. Once the reformation had shattered the unity of western Christendom, the countries of Europe moved towards pluralism in religion and politics, and the old assumption of the unitary church-state became less and less applicable.

In the following three centuries there were a number of forces at work leading to the liberal democratic outlook of the nineteenth century. One was the breakdown of some of the absolute certainties that had characterised most religious groups in the sixteenth century. Weariness with religious wars, the intellectual enlightenment of the seventeenth and eighteenth centuries — these turned people to less dogmatic stances and more tolerant attitudes. People realised that it was possible to live within the one political framework alongside those of differing religious allegiances.

In referring to the 'liberal democratic outlook' of the second half of the nineteenth century, a cluster of associated ideas is included — liberty, liberalism, freedom, pluralism, democracy, progress, individualism, laissez-faire. *Liberalism* as a word is impossible to define, as it has always meant different things in different contexts. French philosophers of the eighteenth century and English thinkers such as John Locke, Adam Smith, Jeremy Bentham, and John Stuart Mill all contributed to the concept. The American and French revolutions with their doctrines of liberty and equality had considerable impact in Britain and Australia. In the United States, Jefferson's 'Bill for Establishing Religious Freedom' was passed in 1786 and brought disestablishment to Virginia. The following year Congress had adopted a constitution which did not establish any religion, and the First Amendment of 1791 made this even more explicit. Congress was henceforth prevented from interfering with the free exercise of religion or taking any steps towards the establishment of religion.¹¹⁴ News

¹¹³ D. Thomson, *England in the Nineteenth Century* (Harmondsworth, 1978), p. 62.

¹¹⁴ E. S. Gaustad, 'Church, State, and Education in Historical Perspective', *Journal of Church and*

of these events in North America, with their underlying political/religious concepts, had circulated freely in Britain and the Australian colonies, and by the middle of the century liberal political views had gained wide acceptance

Nineteenth-century liberalism was always associated closely with concepts of democracy, the ideals of which go back to ancient Greece.¹¹⁵ Democracy in the modern world has never been as pure or direct as Aristotle envisaged it. The concept played an increasing role in nineteenth century England, however, as Parliament was made more representative and given increased power.

Liberalism prevailed; it was the appointed force to do the work of the hour; it was necessary, it was inevitable that it should prevail ... It was the great middle-class Liberalism, which had for the cardinal points of its belief the Reform Bill of 1832, and local self-government, in politics; in the social sphere, free-trade, unrestricted competition, and the making of large industrial fortunes; in the religious sphere, the Dissidence of Dissent and the Protestantism of the Protestant religion.¹¹⁶

In the economic life of the nation, liberalism went together with what became known as *laissez-faire*:

The doctrines of *laissez-faire* were adopted with enthusiasm by nineteenth-century England because they were so admirably suited to a period of rapid expansion. ... it seemed natural and logical, after demanding freedom of thought and speech and religious worship, to go on to demand freedom of enterprise, free competition, free markets and free trade. ... The free competition of ideas and opinions, and free enterprise in propounding and discussing them — that was the essence of intellectual Liberalism.¹¹⁷

But in seeking to analyse the English ethos in the mid-nineteenth century, Thomson finds liberalism supplying only part of it:

The moral fibre which sustained mid-Victorian Britain in its era of greatness was derived only partly from the moral values of Liberalism. ... Industriousness, tolerance, self-reliance and self-help, earnest endeavour, liberality of mind: these came mainly from Liberalism, and were the characteristic virtues of a successful business middle-class. Piety, fidelity to the pledged word, good faith in human relationships, charity: these came rather from the deep religious

-
- State, 1984, vol. 26, p. 24. Concerning the passing of the First Amendment, Gaustad comments, 'The modern world began; the secular state was on its way'.
- 115 'A democracy is a state where the freemen and the poor, being in the majority, are invested with the power of the state ... The most pure democracy is that which is so called principally from that equality which prevails in it; for this is what the law in that state directs; that the poor shall be in no greater subjection than the rich; nor that the supreme power shall be lodged in either of these, but that both shall share it'. Aristotle, *Politics*, Bk. iv, Ch. 4.
- 116 Matthew Arnold, *Culture and Anarchy* (London, 1869), p. 62, quoted in D. Thomson, *England in the Nineteenth Century* (Harmondsworth, 1978), p. 113.
- 117 D. Thomson, *ibid.*, pp. 225-227. Laski saw an even closer relationship between *laissez-faire* thinking and religious freedom: 'In both England and France, government interference with religious belief meant interference with commerce since, in both countries, trade was largely in the hands of dissenters from the orthodox faith of the state. Government interference, moreover, meant only too often monopoly; ... *Laissez-faire* is, thus, from its beginnings marked by an optimistic faith in the uncontrolled individual action to produce social good'. *Encyclopaedia Britannica* (Chicago, William Benton, 1963), s.v. 'Laissez-Faire' by H. J. Laski, Vol. 13, p. 598.

convictions of mid-Victorian England, from its evangelicalism, its fear of an after life, its Protestant Christianity. ... when they declined so too did the characteristic virtues of Liberalism.¹¹⁸

But not only evangelicalism contributed to this outlook. Links can also be traced to the more rationalistic forms of Christianity that had come to the fore in the Enlightenment:

Liberalism is a creed, philosophy and movement which is committed to freedom as a method and policy in government, as an organizing principle in society and as a way of life for the individual and community. ... Its golden age may be dated roughly between 1750 and 1914; ... liberalism might be defined as the effort to organize liberty socially and to follow out its implications.

As for where this right to maximal liberty comes from, liberalism's answer was nature. "The laws of Nature and Nature's God," as Thomas Jefferson denominated them in the American Declaration of Independence, formed the true religion of liberalism. ... As a result even God became nature's God, and religion was universalized into a deism, ...¹¹⁹

Liberalism and its associated concepts were overtaken by other concerns towards the end of the nineteenth century. It was that cluster of ideals, however, which provided the stimulus to political and religious change in what was the most formative period of Australian history.

Compared with the outlook exemplified by Hooker, by the mid-nineteenth century the pendulum had swung to the other extreme. Instead of the close union of church and state, the ideal for many people had become the complete separation of the two — a shift from the church-state to the secular state and the separated church. There was still the assumption that the great majority of people would continue to be affiliated with one or other of the denominations. Whether one extreme is any more possible or desirable than the other in the modern world is the question this study seeks to address.

¹¹⁸ Thomson continued, '[Its] fear of an after-life, its Protestant Christianity. ... The evils of philistinism, smugness, bad taste, and jingoism were there from the first: it was when they ceased to be restrained by the practice of the Christian virtues that the moral rot set in, and with it the decline of Liberal England'. D. Thomson, *England in the Nineteenth Century* (Harmondsworth, 1978), p. 229.

¹¹⁹ *Encyclopaedia Britannica* (Chicago, 1963), s.v. 'Liberalism' by M. Lerner, vol. 13, p. 990.

Chapter 2

THE AUSTRALIAN BACKGROUND

The early development of the church in Australia was directly influenced by contemporary events in Britain and Europe — especially in the matter of church-state relationships. As Queensland was originally part of New South Wales, the concern in this chapter is to look at developments in that colony prior to the separation of Queensland in 1859.

THE FIRST CHAPLAINS

Richard Johnson was an Anglican clergyman from the minority evangelical wing of the Church of England. Several factors were at work in his appointment, arising out of the eighteenth-century English scene.

England in the Eighteenth Century

As outlined previously, by the eighteenth century the control of the established church in England had passed largely into the hands of the parliament, rather than the king. The sovereign appointed bishops only on the nomination of the prime minister. The church itself had very little control over its own affairs, as convocation was not permitted to meet for more than formal business.

The Toleration Act of 1689 gave dissenters in the eighteenth century limited recognition, but the restrictive Acts passed during the reign of Charles II remained in place. These limited the freedoms and opportunities for dissenters within the social structure, though the Acts were not always enforced. Even with these restrictions, the non-conformist denominations were generally better able to adapt themselves to the changing industrialised society. They did not have to wait on government approval. As these denominations grew, their members' sense of injustice increased. That resentment was relevant to church development in Australia. The tensions in English society were reproduced in New South Wales, plus new ones which were caused by the higher proportion of non-Anglican settlers.

The late-seventeenth and early-eighteenth centuries saw the growth of a rationalistic approach to religion. In reaction to that came the evangelical revival, manifested largely but not exclusively in the wesleyan movement from the 1740s. While the bulk of wesleyan Methodists eventually separated from the Church of England, some

evangelicals remained with it.¹ It is this group of Anglican evangelicals that concerns us at the beginning of the story of Australia's foundation as a British colony.

Whether Pitt's government originally had any intention of establishing a colony of free settlers at Botany Bay is uncertain. Governor Phillip certainly saw his work as more than simply supervising a temporary penal settlement. By 1789, once the initial settlement had been successfully established, instructions to Phillip indicate the government itself saw it as a future colony with free settlers as well as convicts.²

When the 'Heads of a Plan' was made public on 18 August 1786, Pitt had already accepted the suggestion, probably from Wilberforce, that a chaplain should accompany the fleet.³ Wilberforce also offered to find a suitable clergyman.⁴ A convert to the evangelical persuasion, Wilberforce was in contact with the Eclectic Society, a small group of Anglican evangelicals in London.⁵ They apparently had learned of the plan and they proposed an evangelical minister as chaplain — a missionary outreach to the south Pacific as well as providing for the spiritual well-being of the convicts.⁶

Richard Johnson

The man selected was Richard Johnson, and Wilberforce approached him six weeks after the 'Heads of a Plan' had become public. Johnson accepted the invitation, and was made a commissioned officer in the navy on a government salary.⁷ Pitt himself had no strong religious convictions, but probably hoped that it would improve the moral tone of the settlement.⁸

1 Their opponents still referred to them contemptuously as 'methodists', for example, Sidney Smith in the *Edinburgh Review*, XI (1808), pp. 341-342.

2 *Historical Records of New South Wales*, I, 2, p. 259.

3 Contrary to the accounts of some early historians, such as Marshall and Therry. See R. Border, *Church and State in Australia 1788-1872: A Constitutional History of the Church of England in Australia* (London, SPCK, 1962), pp. 13-14 for some details.

4 N. K. Macintosh, *Richard Johnson: Chaplain to the Colony of New South Wales: His Life and Times 1755- 1827* (Sydney, Library of Australian History, 1978), p. 26. For the 'Heads of a Plan', see *Historical Records of New South Wales*, I, 2, pp. 14-19. Also in C. M. H. Clark (ed.), *Select Documents in Australian History 1788-1850* (Sydney, Angus and Robertson, 1950), pp. 33-37. See also Pitt to Wilberforce, 23.9.1786. Extract in N. K. Macintosh, *ibid.*, p. 25.

5 John Newton, the former slave-trader turned evangelical clergyman, was their leader.

6 Writing to Wilberforce in November 1786, Newton said, 'To you, as the instrument, we owe the pleasing prospect of an opening for the propagation of the Gospel in the Southern Hemisphere. Who can tell what important consequences may depend upon Mr. Johnson's going to New Holland?' See extract of letter and Johnson's comments in N. K. Macintosh, *ibid.*, pp. 26-27.

7 *ibid.*, pp. 25-28.

8 Pitt to Wilberforce, 23.9.1786. Extract in N. K. Macintosh, *ibid.*, p. 25.

An offer to send Catholic priests was refused.⁹ The refusal was out of character with Pitt's known support for Catholic emancipation, but probably resulted from the situation in Ireland, and in particular the riots of 1780. The government was nervous regarding Irish Catholics in the settlement.¹⁰

Johnson received the support of the Archbishop of Canterbury, who commended him to the Society for Promoting Christian Knowledge (SPCK) and the Society for the Propagation of the Gospel in Foreign Parts (SPG) for practical help.¹¹ The SPCK supplied Johnson with a supply of printed materials for use in services and distribution to the convicts and others, together with a small number of theological works for his own use.

Johnson's Commission included the following instructions:

... You are ... carefully and diligently to discharge the duty of chaplain by doing and performing all and all manner of things thereunto belonging; and you are to observe and follow such orders and directions from time to time as you shall receive from our Governor of the said territory for the time being, or any other of your superior officers, according to the rules and discipline of war.¹²

This was the usual commission for a naval officer, and shows that at that stage the government saw the settlement in Australia solely as a military settlement. There is no indication that the government envisaged Johnson engaging in any role beyond that of military chaplain, contrary to the hopes of the Eclectic Society that it would be the means of missionary outreach in the South Pacific.¹³

Captain Arthur Phillip had received his first Commission appointing him as Governor of New South Wales twelve days earlier,¹⁴ followed by a second more detailed Commission and Instructions.¹⁵ The Instructions included the following:

And it is further our royal will and pleasure that you do by all proper methods enforce a due observance of religion and good order among the inhabitants of the new settlement, and that

⁹ Father Thomas Walsh sought permission from Lord Sydney for himself and another priest to accompany the convicts at their own expense. See *Historical Records of New South Wales*, I, 2, p. 119.

¹⁰ Macintosh's suggestion that the refusal could have been due to George III's opposition seems rather unlikely, given that the issue was comparatively unimportant. His alternative suggestion, given above, is more likely. See N. K. Macintosh, *Richard Johnson: Chaplain to the Colony of New South Wales: His Life and Times 1755-1827* (Sydney, 1978), p. 125.

¹¹ These societies took the ministrations of the Anglican church to people, mainly of British stock, living in distant parts.

¹² *Historical Records of New South Wales*, I, 2, p. 27 (emphasis added).

¹³ The wording of the Commission does not support Border's contention that it was seen even then as more than a military chaplaincy. See R. Border, *Church and State in Australia 1788-1872: A Constitutional History of the Church of England in Australia* (London, 1962), p. 17.

¹⁴ *Historical Records of New South Wales*, I, 2, p. 24.

¹⁵ *Historical Records of Australia*, I, 1, pp. 2-16.

you do take such steps for the due celebration of publick worship as circumstances will permit.¹⁶

In August 1789 additional Instructions were issued:

And it is our further Will and Pleasure that a particular spot in or as near each town as possible be set apart for the building of a church, and four hundred acres adjacent thereto allotted for the maintenance of a minister, and two hundred for a schoolmaster.¹⁷

These later instructions envisage an on-going church in a community extending beyond the military settlement, but there is no indication the intention was there originally.

As a military chaplain Johnson received a government salary, but the 1789 Instructions to Phillip foreshadow a system of endowed parish churches and attached schools, each with a glebe to support the minister and schoolmaster. In addition, chaplains were to serve as civil magistrates in the colony.¹⁸

The churches and schools envisaged were of course Anglican parish churches with the schools under the close supervision of the parish minister. In eighteenth-century London, this did not require any conscious decision on the part of the British government. It was simply assumed it would be a replication of the established church-state situation as it existed in England at the time.

It had been the practice since the time of Charles I for colonial chaplains to be under the ecclesiastical jurisdiction of the Bishop of London.¹⁹ This had been the situation in the American colonies and in India, but was apparently deemed inappropriate in this instance, the colony being a military establishment. Consequently, Johnson was commissioned as a naval officer. His Commission made it clear that he was subject to the Governor as his military superior, and to other officers of higher rank. What was left unclear was whether the Governor's jurisdiction over the chaplain was to include ecclesiastical matters.

So far as ecclesiastical jurisdiction was concerned, Johnson was left in a vacuum. Distance separated him from any ecclesiastical superior or colleague.²⁰ In 1840 the

¹⁶ *Historical Records of Australia*, I, 1, p. 14.

¹⁷ *Historical Records of New South Wales*, I, 2, p. 259.

¹⁸ R. Border, *Church and State in Australia 1788-1872: A Constitutional History of the Church of England in Australia* (London, 1962), p. 17.

¹⁹ See R. A. Giles, *The Constitutional History of the Australian Church* (London, Skeffington, 1929), p. 58. During the period between when Johnson accepted the invitation to become chaplain and when the fleet sailed, his preparations do not seem to have involved any relationship with the Bishop of London, but rather, with the Archbishop of Canterbury, to whom he also reported during his years in the colony.

²⁰ See footnote 19 above.

Bishop of London commented, 'An episcopal church without a Bishop is a contradiction in terms.'²¹ Macintosh comments,

For an Anglican minister, therefore, Johnson was in a strange position: his bishop was remote, he had no churchwardens to consult and for the first few years no fellow clergy to support him. ... New South Wales was neither a parish nor a mission station and the technical position of the chaplain remained unsatisfactorily defined.²²

Johnson made the best of the situation and got on with the job in hand. He extended his ministry to the few civilian settlers, adopting, said Macintosh, 'the conventional evangelical position that his real 'commission' was from God, and his relation to the government only secondary.'²³

Samuel Marsden

The Rev. Samuel Marsden came as Johnson's assistant in 1794, and remained as senior chaplain following Johnson's return to England in 1800. In 1821 Marsden wrote to the Bishop of London,

I was left seven years without a Colleague, and at the same time without any Superior in the Church of England to whom I could apply for advice under difficulties, or protection under insults and oppressions. To the present moment I have never learnt in whose hands the Ecclesiastical jurisdiction of these Settlements are placed ...²⁴

For the most part, Johnson and Marsden were able to work in reasonable harmony with their superiors. Difficulties arose, however, during Macquarie's governorship, 1810-1822. Whereas the earlier Governors had only a slight interest in the church, Macquarie was a high-church Anglican determined to leave his stamp on the church in the colony. His hopes in this regard were markedly different from that of his senior chaplain, Samuel Marsden. Marsden was an evangelical, and the differences led to friction between him and Macquarie, especially in regard to dissenters. While both were opposed to Catholics, Marsden's evangelicalism gave him a measure of sympathy with Methodists and other Protestant dissenters coming to the colony in increasing numbers. To Macquarie, on the other hand, they were all troublesome 'sectaries' the colony could well do without.

Macquarie sought to regulate his chaplains. He issued regulations for the times, the

²¹ Quoted in R. Border, *Church and State in Australia 1788-1872: A Constitutional History of the Church of England in Australia* (London, 1962), p. 5.

²² N. K. Macintosh, *Richard Johnson: Chaplain to the Colony of New South Wales: His Life and Times 1755- 1827* (Sydney, 1978), p. 48.

²³ *ibid.*, p. 48.

²⁴ Marsden to Bishop of London, 26.8.1821. Bonwick Transcripts, Box 27. Quoted in J. Woolmington, (ed.), *Religion in Early Australia: the Problem of Church and State* (Sydney, Cassell Australia, 1976), pp. 10-11.

style, and content of worship. He tried to control Sunday observance by the populace generally. Chaplains were required to keep lists of all baptisms, weddings, and funerals, and fees were prescribed by the Governor.²⁵

A serious clash between Macquarie and Marsden occurred in 1814, over the reading of government orders from the pulpit at Sunday services. Marsden refused to comply.²⁶ Fortunately for Marsden, he had taken the precaution several years earlier of having his military commission changed to a civilian one — otherwise he could have been court-martialled.²⁷ A further clash occurred in the same year over Marsden's introducing into his services what Macquarie regarded as innovations.²⁸

From the earliest days of the colony, chaplains had been appointed as magistrates. After a series of clashes, Marsden tendered his resignation in 1818. Macquarie ignored his letter, and instead published in the *Gazette* of 21 March an announcement that the Governor had dispensed with Marsden's services.

Macquarie and Dissenters

Macquarie was opposed to all dissenters as sources of division within the colony. When the Methodist minister, Samuel Leigh, arrived Sydney in 1815, Macquarie complained to London, even though he had no specific complaint.²⁹

²⁵ See R. Border, *Church and State in Australia 1788-1872: A Constitutional History of the Church of England in Australia* (London, 1962), pp. 29-31.

²⁶ Reporting on the incident to London, Macquarie wrote, 'For the purpose of giving the foregoing Order the greatest Degree of Publicity, I gave Directions that it should be read during the time of Divine Service, on two Succeeding Sundays, ... I have now to inform your Lordship that Mr. Marsden, the Principal Chaplain ... declined reading this General Order for the Second time, on the ground that it was Irregular and Improper to read Such Orders in Churches. ... Considering his conduct highly improper and disrespectful, I have cautioned Mr. Marsden to beware of resisting my Commands in this way for the future, as he shall answer for it at his peril'. See Macquarie to Bathurst, 24.5.1814. Extract quoted in J. Woolmington, (ed.), *Religion in Early Australia: the Problem of Church and State* (Sydney, 1976), p. 11. See *Historical Records of Australia*, I, viii, pp. 255-6.

²⁷ Marsden to Wilberforce, 20.5.1818. See R. Border, *ibid.*, pp. 28-9.

²⁸ Macquarie complained that Marsden's services were 'much tinged with Methodistical and other Sectarian Principles. ... If these principles were Sanctioned by me ... they would give such Latitude to Dissent, that I am fully Convinced Various Sectaries would spring up in this Young and Unschooled Colony. Much to the injury of that established Uniformity of Worship, which I conceive to be of the Utmost Importance to the Peace and Harmony of the Colony to Preserve Inviolable'. On this point Macquarie was supported by London. See Macquarie to Bathurst, 7.10.1814 and Bathurst to Macquarie, 2.12.1815. Extracts quoted in J. Woolmington, *ibid.*, pp. 12-13, from *Historical Records of Australia*, I, viii, pp. 336-7 and 637.

²⁹ '... But tho' Mr. Leigh's Conduct has been hitherto very Correct here, Still I should Strongly recommend that no Persons of his Description should in future be permitted to Come out to this Colony. We require regular and pious Clergymen of the Church of England, and not Sectaries, for a new and rising colony like this'. See Macquarie to Bathurst, 18.3.1816, and Bathurst to Macquarie, 30.1.1817. Extract quoted in J. Woolmington, *ibid.*, p. 46, from *Historical Records of Australia*, I, ix, pp. 59 & 203. Bathurst undertook to exercise 'great caution' in allowing further dissenting ministers into the colony.

A stronger source of friction for Macquarie was the presence in the colony of missionaries of the London Missionary Society, in particular a lay missionary, William Pascoe Crook. Just before Macquarie's arrival in 1809, Marsden was absent in England, and no official chaplain was left in the colony. Crook was authorised to conduct services, first at St. Phillip's, and then at Parramatta. With the arrival in the colony of Macquarie and another chaplain, the authorisation was revoked.

However, Crook had not only been filling in as a chaplain conducting Anglican services. He had gathered about himself a small number of fellow-Congregationalists. Once he was relieved of his chaplaincy responsibilities he ministered to the needs of this group, which apparently constituted itself formally as a Congregational church in August 1810. The members appointed Crook to celebrate communion with them early in the September, which he did. While this was unusual, it was acceptable practice in terms of Congregational polity for a congregation, lacking an ordained minister, to appoint one of their number to preside at the sacrament. Marsden and Macquarie were scandalised, however, once it became known. Crook was threatened with deportation if it was repeated. The episode set off a long-running controversy, which later provided ammunition to Wentworth and Lang for attacks on Marsden.³⁰

It was reported to Crook that Marsden had said the Toleration Act of 1689 did not apply in the colony.³¹ If Marsden made this statement, it was probably also the view of Macquarie. It would fit with his later complaint about the Methodist, Leigh, referred to above. If so, then Macquarie was over-stepping his authority, swayed by the intense dislike of a high-churchman toward all dissenters. There is no recorded instruction pointing him in this direction, and in the case of Leigh, Macquarie received a mild rebuke from London. Bathurst took nearly a year to reply to Macquarie's letter, and then stated that he saw no problem in allowing Leigh to remain. To mollify Macquarie, he did undertake to keep an eye on who was allowed to embark for the colony.³²

Macquarie expressed himself very strongly on the issue in May 1818, following the

³⁰ Wentworth in 1824 portrayed him as a 'simulator' of religion who entreated the Lieutenant-Governor to banish Crook from the colony. Ten years later Lang attacked him as the colonial representative of 'a jealous, exclusive, and intolerant system of Episcopal domination', using the episode with Crook to illustrate the point. See W. C. Wentworth, *A Statistical Account of the British Settlements in Australasia* (3rd. ed., London, 1824), pp. 366-374; J. D. Lang, *An Historical and Statistical Account of New South Wales from the Foundation of the Colony in 1788 to the Present Day*, 2 vols. (London, Cochrane and McCrone, 1834), II, p. 251. See G. L. Lockley, 'The Foundation, Development, and Influence, of Congregationalism in Australia', (Ph.D. thesis, University of Queensland, 1966), pp. 61-74 for details.

³¹ See G. L. Lockley, 'The Foundation, Development, and Influence, of Congregationalism in Australia', (Ph.D. thesis, University of Queensland, 1966), p. 67.

³² See footnote 29.

episode with Father O'Flynn, a Catholic priest who arrived unannounced in the colony (see page 43 below).³³

Macquarie and His Chaplains

These points of friction between Macquarie and dissenting ministers were overshadowed by the tensions that arose with his own chaplains. As Border states,

All these incidents were insignificant compared with one in 1816 which may be called "The Case of the Piratical Parson" (the Reverend Benjamin Vale). This amazing affair highlighted the relationship between the Governor and the chaplain. It was vital in the development of the life and organization of the Church and, indirectly, in the development of the democratic State within the colony of New South Wales.³⁴

The Vale case brought to a head the problem of the Governor's control over the church. The immediate issue was whether he had the power to court-martial one of his chaplains. Vale was found guilty of some of the charges Macquarie pressed against him. But, determined to clear his name, he obtained signatures for a petition to the House of Commons complaining against the autocratic administration of Macquarie. The Secretary of State for the Colonies reprimanded Macquarie in a dispatch dated 6 February 1817.³⁵

Border may be going too far when he says, 'The policy of 1787 was now completely abandoned; Church and State had become separate and distinct institutions within the colony, ...'³⁶ Bathurst's reasoning was based on the fact that Vale's offences did not fall within those specified in the relevant Act. This implies that had it been otherwise, Macquarie would have been correct in court-martialing him. However, it could reasonably be inferred that imperial thinking was moving towards making the church a distinct institution as the colony rapidly outgrew its military origins.

³³ In a long letter to Bathurst reporting on the incident, he said, 'Convinced, from the experience I have had of the Country, that nothing can possibly promote or preserve its internal peace and tranquillity So much as uniformity in matters of Religion, I beg leave most earnestly to recommend that no Sectarian Preacher or Teacher be permitted to come hither'. See Macquarie to Bathurst, 18 May 1818. Quoted in P. O'Farrell (ed.) *Documents in Australian Catholic History*, vol. I: 1788-1884 (London, Geoffrey Chapman, 1969), p. 55, from *Historical Records of Australia*, I, 9, pp. 799-804.

³⁴ See R. Border, *Church and State in Australia 1788-1872: A Constitutional History of the Church of England in Australia* (London, 1962), p. 34-37.

³⁵ 'It was not without considerable surprise that I learnt your determination of bringing him to a court-martial upon the charges ... (Had) you ... referred to the Act under which you claimed the authority to try him, you would have seen that the military Chaplains can only be brought to trial for the offences specified ... That Mr. Vale was guilty of any such offence cannot be pretended, ... The whole of your proceedings against him were consequently illegal, and it is therefore utterly out of my power to give them any sanction or approbation ...'. See Bathurst to Macquarie, 6.1.1817, quoted in R. Border, *ibid.*, p. 36.

³⁶ *ibid.*, p. 37.

Macquarie sensed Bathurst's loss of confidence in him, and tendered his resignation as Governor. It was not immediately accepted, however, and he remained until 1822.

The first major period in Australian church history was drawing to a close. It was the end of the period of uncertainty which Marsden had described so tersely in 1821 (See page 38 above). He had tried to accommodate a church structure designed for sixteenth-century England to a penal colony on the other side of the world. As Border understated the situation, '... to translate the Elizabethan Settlement into New South Wales, with an autocratic Governor in place of a constitutional monarch, and a chaplain in place of an archbishop, was a problem ...'³⁷

Catholics

The uncertainties applied even more to dissenters, both Protestant and Catholic. They had no assured place in the colony. As mentioned previously, permission for Catholic chaplains to accompany the first fleet was refused. At the turn of the century there were three priests present in the colony as convicts,³⁸ and one of these, Father Dixon, was given permission in 1803 to minister to fellow Catholics.³⁹ Police were stationed at the services, there were to be no seditious conversations, and attendances were limited to local people in each centre where they were held.⁴⁰ A few months later King was sufficiently pleased to pay Dixon a small salary.⁴¹ By the following August however, on account of the attempted insurrection which led to the massacre at Vinegar Hill on 4 March 1804, the permission was withdrawn.⁴²

The next attempt to have a Catholic priest ministering to the Catholics in the colony

³⁷ Concerning Marsden, Border writes, 'For twenty years he was the architect and builder of the church structure in New South Wales. He found the Church an appendage of a military institution; he guided it to become an independent institution. He found the chaplains quasi-military officers; administratively he made them parish priests. He found the Church restricted to a narrow coastal belt on the shores of Port Jackson; he extended it far beyond those coasts and planted it in islands hundreds of miles away'. See R. Border, *Church and State in Australia 1788-1872: A Constitutional History of the Church of England in Australia* (London, 1962), pp. 28 and 40.

³⁸ All three had been involved 'in the troubles of 1798', along with three Protestant clergymen, Birch, Fulton and Simpson. See C. M. H. Clark, *A History of Australia*, vol I. (Melbourne, 1962), p. 103.

³⁹ Governor King gave Dixon permission 'to exercise his clerical functions once a month, under stipulated restrictions. As there is no other Catholic priest, I am hopeful that much good, or at least no harm, will result from it.' King to Hobart, 9 May 1803. Extract in J. Woolmington, (ed.), *Religion in Early Australia: the Problem of Church and State* (Sydney, 1976), pp. 31-2; *Historical Records of New South Wales*, V, p. 116.

⁴⁰ Regulations set out 9 May 1803. *Historical Records of New South Wales*, V, p. 98.

⁴¹ King to Hobart, 17 September 1803. *Historical Records of Australia*, I, iv, p. 394.

⁴² 'for very improper conduct, and to prevent the seditious meetings that took place in consequence of the indulgence and protection he received, ...'. King to Hobart, 14 August 1804. *Historical Records of Australia*, I, v, p. 99.

came with the arrival in the colony of Father O'Flynn in November 1817. O'Flynn had a stormy history behind him. Rome in 1816 appointed him as 'Prefect Apostolic' of New Holland.⁴³ In London he petitioned Bathurst for permission to minister in New South Wales, but approval was refused.⁴⁴ He came to Australia nevertheless. Macquarie believed he was an impostor, but permitted him to stay pending the possible arrival of Bathurst's approval, provided that O'Flynn abstained from exercising any ministry. When that undertaking was broken, and no official approval arrived, Macquarie had him deported.⁴⁵

Finally, in October 1819, approval was given for two Catholic priests, to proceed to the colony and receive a government salary, 'so long as they shall continue to conduct themselves with propriety'.⁴⁶ The two arrived in Sydney in May 1820, under the ecclesiastical jurisdiction of the Vicar Apostolic of the Cape of Good Hope.⁴⁷ Macquarie had no option but to receive the priests, albeit grudgingly, simply reporting their arrival to Bathurst.⁴⁸ He imposed restrictions on their activities,⁴⁹ some of which did not fit comfortably with their beliefs.⁵⁰

THE ANGLICAN ESTABLISHMENT

Similar uncertainties applied in the judicial and legislative areas, and led to complaints to the Colonial Office during Macquarie's governorship.⁵¹ The colony was outgrowing its origins, but the imperial government was slow to grapple with the issues. The Vale affair in 1816, and Macquarie's resignation in 1817 (not accepted until 1821), culminated in the commission of enquiry set up by Bathurst in 1819 to

43 See P. O'Farrell, *The Catholic Church and Community: An Australian History*, (Sydney, New South Wales University Press, 1985), pp. 12-13 for details relating to the events surrounding O'Flynn.

44 *Historical Records of Australia*, I, 9, pp. 881, note 146, and 833.

45 Macquarie to Bathurst, 18 May 1818. *Historical Records of Australia*, I, 9, pp. 799-804.

46 The priests were Phillip Conolly and Joseph Therry. See Bathurst to Macquarie, 20 October 1819. *Historical Records of Australia*, I, 10, p. 204.

47 Edward Bede Slater was Vicar Apostolic with responsibility for not only the Cape, but including Madagascar, Mauritius, New Holland, and adjacent islands. See C. M. H. Clark, *A History of Australia*, vol. I (Melbourne, 1962), p. 348.

48 Macquarie to Bathurst, 1 September 1820. *Historical Records of Australia*, I, 10, p. 365.

49 See C. M. H. Clark, *A History of Australia* vol. I (Melbourne, 1962), p. 350. For details of restrictions, see Macquarie to Conolly and Therry, 14 October 1820, in P. O'Farrell ed. *Documents in Australian Catholic History*, vol. I, 1788-1884 (London, 1969), pp. 56-59.

50 'Macquarie's authority was the laws of the mother country. Conolly and Therry owed their allegiance to the laws of God. There was much in what Macquarie prescribed for them which, according to the teaching of their church, contravened the laws of God. There was much, too, in the laws and practices of the colony which contravened the teaching of the Roman Catholic Church'. C. M. H. Clark, *A History of Australia* vol. I. (Melbourne, 1962), p. 350.

51 See W. G. McMinn, *A Constitutional History of Australia* (Melbourne, 1979), pp. 5-15.

enquire into a range of subjects.⁵² The Commissioner appointed was John Thomas Bigge, a barrister who had served as Chief Justice in Trinidad for a time.

Bathurst instructed him to:

turn your attention to the possibility of diffusing throughout the colony adequate means of education and religious instruction; bearing always in mind ... that *these two branches ought in all cases to be inseparably connected*.⁵³

The report of the Bigge enquiry led to the decision to institute the Church of England as a distinct entity in the colony, freed of the trammels of military chaplaincy. This was done by setting up the Archdeaconry of New South Wales on 2 October 1824. Thomas Hobbes Scott had assisted Bigge as secretary to the commission, and after completing that work had been ordained to the priesthood. He was appointed as the first Archdeacon, with the Bishop of Calcutta as his superior.

Until 1784, there had been no Anglican bishopric outside of Britain. This was largely due to Convocation not being permitted to meet from 1717 to 1852 — the time of rapid expansion of the empire.⁵⁴ The erection of dioceses for Australia, however, was never envisaged until the 1830s, which left the early chaplains in the uncertain position previously described.

Letters Patent from the crown became the normal method for the appointment of bishops for crown colonies. When Reginald Heber became the second bishop of Calcutta in 1823, his Letters Patent included Australia in his area of jurisdiction. That situation persisted until Madras and Australia were separated from Calcutta in 1835.⁵⁵

Scott was so remote from his bishop that he was effectively left to exercise the episcopal role himself. The Letters Patent of 2 October 1824 and a Letter of Instruction from Bathurst to Brisbane, the new Governor of New South Wales, spelled out Scott's authority and were framed very much in the light of the earlier problems. They:

⁵² W. G. McMinn, *A Constitutional History of Australia* (Melbourne, 1979), p. 12.

⁵³ *Historical Records of Australia*, I, 10, pp. 9-11 (emphasis added).

⁵⁴ One problem was that bishops within the Church of England were required to take an oath of allegiance to the British monarch. The Bishop of Connecticut was appointed in 1784, but that had to be done in Scotland by the Scottish Episcopal Church, as the American colonies had seceded from Britain. This was removed in 1786 when parliament made it possible for subjects of foreign powers to be consecrated as bishops in the established church, opening up the possibility of the appointment of bishops in territories outside of the empire. Three more bishops were consecrated for the United States of America in the next few years.

⁵⁵ R. Border, *Church and State in Australia 1788-1872: A Constitutional History of the Church of England in Australia* (London, 1962), p. 5. Border argues that as Australia was not included in the jurisdiction of the of the new Bishop of Madras, it was temporarily under the jurisdiction of the Bishop of London until the appointment of Broughton as bishop.

... defined the archdeacon's relationship with his bishop, the Governor, the clergy, and church property, and his authority in educational matters. In so doing, it [sic] defined the status of the Church in the colony.⁵⁶

It was the clear intention of the government that the Anglican church being set up in the colony was to be the established church, as in England. The Letters Patent specified that the Archdeaconry and the Archdeacon were to be

subject to the spiritual and ecclesiastical jurisdiction of the Bishop of Calcutta "*according to the ecclesiastical laws of this Realm*" [England] ... The Letters Patent called on all governors, judges, and justices to aid and assist the archdeacon in his duties, ... His status in the colony and his relationship to the Governor were defined ... "The Archdeacon is to take rank and precedence in the colony, next after the Lieutenant Governor".⁵⁷

Brisbane was instructed to show 'such marks of attention as may most effectually recommend his person and his sacred office to the respect of the lower and less educated classes of society'.⁵⁸

Prior to the setting up of the Archdeaconry, an Act was passed to provide for 'the better Administration of Justice in New South Wales and Van Dieman's Land, and for the more effectual Government thereof; ... '.⁵⁹ A Legislative Council of no more than seven appointed members was established to advise the Governor. He alone could initiate legislation, which required only one affirmative vote in the Council for its passage. The Archdeacon was made an ex officio member, giving him considerable power and influence. In the same year the Supreme Court was established, with jurisdiction over ecclesiastical matters.⁶⁰

On his arrival, Scott was to report to the Governor,

who would proclaim the erection of the new archdeaconry and require "all the clergy of the established church and other of his Majesty's subjects to yield all due canonical obedience to the Archdeacon".⁶¹

He was to make an annual visitation of all churches in the colony, and all clergy were required to attend these. He was to set up an Archdeacon's Court for the trial of clergy charged with an ecclesiastical offence. He was appointed as the 'Visitor to all schools

⁵⁶ R. Border, *Church and State in Australia 1788-1872: A Constitutional History of the Church of England in Australia* (London, 1962), p. 43.

⁵⁷ *ibid.* p. 43 (emphasis added).

⁵⁸ *ibid.* p. 43.

⁵⁹ 4 Geo. IV c. 96.

⁶⁰ The court was given 'such and the like jurisdiction as the Superior Courts of Westminster in all civil and criminal matters', together with equitable and *ecclesiastical jurisdiction as exercised by the Chancery and Ecclesiastical Courts of England* respectively. Before this Court important constitutional cases affecting the Church of England were soon to be heard'. See R. Border, *ibid.* p. 46 (emphasis added).

⁶¹ *ibid.* p. 44.

maintained throughout the Colony by his Majesty's revenue'. Any matters not covered by his Letters Patent were seen as defined by 'the Canons and Ecclesiastical Law of the Church of England', which, as Border points out, meant that the law of the established church in England applied in the colony.⁶²

By legislation passed through the Legislative Council (6 Geo. IV No. 21), the Anglican clergy were made the official registrars of births, deaths and marriages.⁶³ The Church of England in New South Wales was to be the established church in much the same way as in England. This raises the question of what is meant by 'established' when it is used in respect to the church. After quoting at length from two eminent legal figures, Sir Lewis Dibdin and Lord Selborne, Border summarises their definition of 'establishment' as follows:

1. that the religion of the Church of England is the official religion of the State;
2. that the Church of England in relation to the State has privileges and obligations not shared by other denominations;
3. that the law and the legal tribunals of the Church are a part of the legal system of the State.⁶⁴

While never spelled out explicitly, the assumption was that the Church of England was 'established' in the three senses listed above. The word itself was used in the documentation setting up the archdeaconry and setting out the duties and status of the Archdeacon. The Church of England in New South Wales was to be subject to the same ecclesiastical law as was in force in England. The attitude of the governments to the clergy of other denominations was based on that assumption. Within a few years the Presbyterians were claiming similar status, on the basis of their establishment in Scotland — by implication acknowledging that the Church of England was established in Australia.

In the United States of America the term has been interpreted by the courts to mean 'support, especially financial support, by the State for any or all religious denominations'.⁶⁵ This definition, however, is of no use in England and Australia, as

⁶² R. Border, *Church and State in Australia 1788-1872: A Constitutional History of the Church of England in Australia* (London, 1962), pp. 44-45.

⁶³ Non-Anglican clergy had to forward certificates setting out all details of such, with a fee, to 'the established minister of the parish'. R. Border, *ibid.* p. 47 (emphasis added).

⁶⁴ *ibid.* pp. 52-3. Border's abbreviated set of principles are dependent, however, on the Church of England in N.S.W. being an integral part of the Church of England in England. Otherwise they do not meet all the criteria listed by Dibdin, as for example, the obligation of the sovereign to belong to the church, and the right of the church to crown the sovereign.

⁶⁵ *ibid.* p. 53.

a small grant was made for a short time early in the century to Father Dixon, and from 1819 on a regular basis to two Catholic chaplains. A few years later grants were made to the Presbyterians and John Dunmore Lang, and later to the Methodists, and in a very limited way to Baptists and Congregationalists. In the eighteenth century in England, the king had given small grants for the support of the widows of dissenting ministers. None of these grants was ever regarded as 'establishing' the denominations concerned. The grants were simply indicative of a growth in religious tolerance.

The Church and Schools Corporation

Scott is most remembered for the Church and Schools Corporation, intended to provide an endowment for the Church of England to make it independent of government grants, and at the same time make it possible for it to take responsibility for education within the colony. One seventh of all the land, in terms of both area and of value, was to be handed over to the Corporation.⁶⁶

It was 1826 before the Corporation was set up, and from its inception it was confronted by problems. Progress was slow, and from the very beginning there was a growing swell of protest against both the Archdeacon and the Corporation.

Border attributes this to three movements in the period 1824-29:

[The] emergence of a free Press, the rise of various religious bodies in the community, and the political aspirations of some vigorous leaders, particularly William Charles Wentworth.⁶⁷

The Press was free from 1823, after the abolition of censorship. The *Sydney Gazette* had been published since 1803.⁶⁸ With the new freedom, other papers came into existence. The *Australian* commenced publication in 1824, edited by W. C. Wentworth

⁶⁶ Details of the Church and Schools Corporation are set out in J. Woolmington, (ed.), *Religion in Early Australia: the Problem of Church and State* (Sydney, 1976), pp. 78-86. In a letter to Governor Brisbane in January 1825, Bathurst stated, '[For] ... adequate provision for the support of the Clergy of the Established Church of England throughout the Colony, and for the Education of Youth in the principles of the Church ... it has been thought necessary to establish a corporation, to consist of the Governor as President, the Lieutenant-Governor, the Chief Justice and the members of the Legislative Council for the time being, the Archdeacon of New South Wales, the Colonial Secretary, the Attorney and Solicitor General'. Included in the same letter was a Draft charter, which included directions on how the income of the Corporation was to be dispersed. One half was to be spent on the roads under the Corporation's control, churches, schools, and parsonages. The other half was for the 'maintenance and support of the Clergy of the Established Church of England in the said Colony', school masters, and schools. See Bathurst to Brisbane, 1 January 1825. *Historical Records of Australia*, I, 11, pp. 438-439, 450-451.

⁶⁷ R. Border, *Church and State in Australia 1788-1872: A Constitutional History of the Church of England in Australia* (London, 1962), p. 64.

⁶⁸ While not an official publication, the *Gazette* had been mainly concerned with government business.

and Robert Wardell, both liberal democrats. The papers at first welcomed the archdeacon, but became antagonistic as his plans for the Church of England unfolded. They saw him as representing an anti-liberal force. Wentworth and the Catholic priest Joseph Therry were the most prominent among his opponents.

Opposition to Scott and the Corporation

The 1820s saw the rapid development of other religious bodies in the colony, especially the Catholic and Presbyterian. Mention has been made already of the two Catholic chaplains who arrived in 1820. John Dunmore Lang, the first Presbyterian minister in the colony, arrived in 1823. Soon after Lang's arrival, the Presbyterians petitioned Governor Brisbane for government aid to enable them to form a church. When they were turned down, Lang appealed to London, and Brisbane's decision was quickly overturned by Bathurst. He described Brisbane's refusal as 'ill-advised and extraordinary', considering the request had come from 'Members of the Church of Scotland, the Established Church of one of the most loyal and intelligent Portions of Great Britain'.⁶⁹

Originally the grant was to have been for the building of the a church, but Lang persuaded Bathurst to pay a stipend direct to himself.⁷⁰ Other Presbyterian ministers were supported to a lesser degree later on.

Both in England and in Australia the non-conformist denominations were advancing. The tide of liberalisation in England led in 1828 to the repeal of the oppressive legislation dating from the time of Charles II, and in 1829 the granting of Catholic emancipation. Border comments that Anglican churchmen in England generally welcomed the moves for greater toleration, even the Tory bishops in the House of Lords.⁷¹ Such approbation was not universal amongst the Anglican clergy. Broughton, the future Archdeacon and first Bishop of Australia had vigorously opposed liberalising the position of Catholics, and on the journey to Australia in 1829 pondered whether it might not lead to another revolution.⁷²

Liberal and democratic thoughts and aspirations found a ready home in New South Wales, leading to intense opposition to the Church and Schools Corporation. The same

⁶⁹ Bathurst to Brisbane, 16 August 1824. *Historical Records of Australia*, I, 11, pp. 346-7.

⁷⁰ Bathurst to Brisbane, 27 February 1825. *ibid.*, p. 528.

⁷¹ R. Border, *Church and State in Australia 1788-1872: A Constitutional History of the Church of England in Australia* (London, 1962), p. 71.

⁷² G. P. Shaw, *Patriarch and Patriot: William Grant Broughton 1788-1853* (Melbourne, 1978), pp. 12, 14.

liberalisation which led to toleration towards dissenters led also to the political demand for self-government. The autocratic style of Macquarie had fuelled these aspirations amongst many of the colonists, especially Wentworth, who had a ready platform through the pages of the *Australian*.⁷³

Had the change from military chaplaincy to Established Church come a decade or two earlier, it may well have set up a situation which could have endured. But by the 1820s, sentiment was running strongly against exclusive privilege for a few.⁷⁴ The concepts of liberty and equality had been boosted by the French revolution. This, combined with other factors, such as ill-feeling left behind by the autocratic attitudes of Macquarie, led to a strong push for self-government in the colony. Opposition to the Corporation became a rallying point for the forces of liberalism. In an editorial in the *Australian* of 8 August 1827, attention was drawn to the fact that the Anglican population amounted to only one quarter of the total:

If numerical strength only be regarded, the Church of England in the colony are but a sect. To call them the National Church is an abuse of words and a misapplication of term. ...Here we have and can have no National Church; and it is therefore wickedness to make a specific appropriation to any one sect. *Let the appropriation be general*, and then we may give our consent to the grant of one-seventh of the territory to clerical and school purposes.⁷⁵

This was a pre-cursor to the approach taken by Governor Bourke in the 1830s.

Scott quickly became very unpopular in the colony, and the barrage of criticism and personal attack coloured his perception of affairs, to the extent that Governor Darling was moved to write to London.⁷⁶ Shaw comments, 'Darling knew Scott well yet wilted before the difficulty of disentangling opposition to Scott's ecclesiastical policy from plain opposition to Scott as a person'.⁷⁷

Scott resigned in 1828. Darling had told the Colonial Office in 1826 that Scott was the wrong man for the job. The Duke of Wellington believed he knew the right person. He had had previous contact with William Grant Broughton, and passed his name on to the Colonial Secretary. Broughton arrived in New South Wales in September 1829, in

⁷³ Lang also had an outlet through the *Australian* later on.

⁷⁴ 'The whole plan was philosophically unacceptable: while most people could not accurately define their objection, they rebelled at something so different from their feelings and aspirations'. R. Border, *Church and State in Australia 1788-1872: A Constitutional History of the Church of England in Australia* (London, 1962), p. 63.

⁷⁵ *ibid.*, p. 73 (emphasis added).

⁷⁶ '... He has no judgment and never will be respected ... The Archdeacon, I know, is an alarmist, and would lead one to suppose, who had no opportunity of knowing the fact, that some great Convulsion was at hand; the Colony is, however, perfectly tranquil'. Darling to Hay, 1 May 1826. Quoted in R. Border, *ibid.*, p. 66, from *Historical Records of Australia*, I, 12, p. 253.

⁷⁷ G. P. Shaw, *Patriarch and Patriot: William Grant Broughton 1788-1853* (Melbourne, 1978), pp. 16-7.

time to be briefed by Scott before his departure.⁷⁸

Broughton and Bourke

Broughton's commission was virtually the same as Scott's. He had earlier been involved in education, and so it was natural he should see the Church and Schools Corporation as the means by which the church would fulfil its God-given role in education. Various delays, however, had meant that it was February 1829 before there was any transfer of land.⁷⁹ In a letter to Darling in 1831, Broughton pointed out that while it had been the intention that one seventh of the land was to be transferred, only a small fraction of the intended figure had been realised, and that was in the County of Cumberland alone. He argued that had the Corporation received the intended amount even in just that one County, it would by then have been self-supporting.⁸⁰

Such was not to be. In mid 1829 the original Letters Patent setting up the Corporation was revoked. It was replaced by a greatly reduced body with the Archdeacon at its head.⁸¹ It had been realised in London that the plan was not viable, and it was wound up completely in 1833.

Sir Ralph Darling was succeeded as Governor in 1831 by Sir Richard Bourke, a Whig appointee. Bourke was an Irish member of the Anglican communion, a barrister, then a soldier, and before coming to Australia had been Governor of the Eastern Provinces in South Africa. He was quick to see that exclusive endowment of the Church of England was an impossibility in the colony. At the same time he could see that the resources of the denominations were by themselves too meagre to erect buildings and pay ministers, let alone provide for an adequate system of education. These tasks would have to be undertaken by the state and the denominations working together. He was aware that a growing number of people in the colony were in favour of 'voluntaryism' as practised of necessity by non-conformists, but he believed it was too early to attempt that approach overall. While Bourke's views on the subject were certainly at variance from Broughton's, it would be mistaken to see him as opposed to the church, or, as Border asserted, to have espoused a policy of separating church and

⁷⁸ G. P. Shaw, *Patriarch and Patriot: William Grant Broughton 1788-1853* (Melbourne, 1978), pp. 10-15.

⁷⁹ Commissioners for managing affairs of Church Corporation to the Acting Governor (Lindesay), 18 November 1831. *Historical Records of Australia*, I, 16, pp. 455-6.

⁸⁰ Broughton to Darling, 29 September 1831. Quoted in J. Woolmington, (ed.), *Religion in Early Australia: the Problem of Church and State* (Sydney, 1976), pp. 84-85.

⁸¹ Murray to Darling, 25 May 1829, *Historical Records of Australia*, I, 14, p. 789; Murray to Darling 19 June 1830 and enclosed Instructions, *ibid.*, I, 15, pp. 560-1.

state.⁸²

Bourke wrote in 1833,

I would observe that, in a New Country to which Persons of all religious persuasions are invited to resort, it will be impossible to establish a dominant and endowed Church without much hostility and great improbability of its becoming permanent. The inclination of these Colonists, which keeps pace with the Spirit of the Age, is decidedly adverse to such an Institution; ... If on the contrary support were given as required to every one of the three grand Divisions of Christians indifferently, and the management of the temporalities of their Churches left to themselves, I conceive that the Public Treasury might in time be relieved of a considerable charge, and ... the people would become more attached to their respective Churches ... At this early period of the Colony's existence, it is I think necessary that the Government should grant pecuniary assistance for the establishment of religious Institutions, and take upon itself the nomination of the Ministers ...⁸³

This was not a policy of 'separation'. As pointed out earlier in this chapter (see page 46), the question of establishment cannot be decided simply on the basis of financial aid given or not given. No more can the question of separation. Bourke's approach was a recognition that the style of establishment as found in England was an impossibility in the colony in the 1830s. A bestowal of exclusive privilege on the Church of England would be unacceptable to the majority of the colonists.

In the same letter Bourke gave his estimates of expenditure on the 'three grand divisions' of Christians for the following year:

Church of England:	£11,542 10s	(One quarter of population)
Catholics:	£1,500	(One fifth of population)
Presbyterians:	£600	

Church of England clergy also received glebes of 40 acres or a money allowance in lieu, plus houses or lodging money. The discrimination in favour of the Anglicans was stark.

Bourke proposed that an equitable system of support be established. He suggested that when a congregation had raised a minimum of £300 towards a building then the state would subsidise the cost. For the payment of clergy he suggested a sliding scale depending on the numbers of adult worshippers with a ceiling set at £200 p.a. In regard to education, he proposed the Irish system (see below, page 53 for details).

82 R. Border, *Church and State in Australia 1788-1872: A Constitutional History of the Church of England in Australia* (London, 1962), p. 90.

83 Bourke to Stanley, 30 September 1833. *Historical Records of Australia*, I, 17, pp. 224-30 (emphasis added).

BOURKE'S CHURCH ACT

Bourke's reasoning and proposals were accepted in London. His 'Church Act' of 1836, 7 Wm IV, No. 3, 'An act to promote the Building of Churches and Chapels and to provide for the maintenance of Ministers of Religion in New South Wales' was passed by the New South Wales legislature at the hands of the Catholic Attorney-General, J. H. Plunkett.⁸⁴ Initially the aid was to be given to the 'three grand divisions' of Christianity as Bourke labelled them. The Methodists were included later.

The reactions of the press to the Church Act were generally favourable. The *Australian* thought that an established church was 'absolutely necessary' to the well-being of the colony, and praised Bourke for having introduced the novelty of a 'multi-denominational' colonial church establishment.⁸⁵

Bourke's program was radically different from what Broughton would have wished.⁸⁶ Broughton had had his first indication of coming changes at the swearing-in ceremony for the new Governor in 1831. When Bourke read his Instructions, Broughton learned that he had been reduced in status from third to fourth in the colony after the senior military officer. The church was placed beneath the army. Broughton protested, but to no avail.⁸⁷

Broughton and Bourke disagreed over the future of the Corporation, and even more, over the Church Act. Broughton would never agree to the state giving an equal measure of support to Catholicism as to Anglicanism, for that would mean that the state was supporting heresy and superstition. He was not opposed to toleration of other denominations, but believed vehemently that the state should support only the one true church.⁸⁸

⁸⁴ Glenelg to Bourke, 30 November 1835. *Historical Records of Australia*, I, 18, pp. 202-3. See also Gerard Brennan, 'The Irish and Law in Australia', in Oliver MacDonagh, W. F. Mandle, eds. *Ireland and Irish-Australia: Studies in Cultural and Political History*. London: Croom Helm, 1986, 20-21.

⁸⁵ *Australian*, 10 June 1836, quoted in G. P. Shaw, *Patriarch and Patriot: William Grant Broughton 1788-1853* (Melbourne, 1978), p. 106.

⁸⁶ Shaw comments that the two were, 'alike in temperament: proud and inflexible. ... The headstrong devotion to beliefs that each demanded of his integrity fixed a gulf between them. Broughton proudly submitted to the Church of England and became its inflexible servant. Bourke followed Christianity but was too proud to submit to any church. Spiritually Bourke dwelt with the liberal divines of the eighteenth century.' *ibid.*, p. 58.

⁸⁷ *ibid.*, p. 56.

⁸⁸ In 1845 he described the Church Act as 'erroneous in conception and highly-injurious in operation. It countenanced the assumption that the State is under no obligation to entertain any impression as to the superior correctness of one system of religious belief compared with other forms of doctrine'. See J. S. Gregory, *Church and State: Changing Government Policies towards Religion in Australia; with particular reference to Victoria since Separation* (Melbourne,

Education Proposals

The Church Act and Bourke's plans for education were closely related in Broughton's eyes. It was a question of the very nature of the church, its relationship to the state, and its essential role in educating the young in the true faith.

Soon after his appointment, Bourke concluded that the Church and Schools Corporation would have to be dissolved and was originally inclined to give government support to all the denominational schools. But when Stanley came to the Colonial Office in 1833, Bourke promptly recommended the system which Stanley had previously worked out for Ireland, and which Bourke had seen working there. The state would establish schools which would receive children of all denominations. There would be reading of approved extracts of scripture without comment by the teacher, and with religious instruction given one day per week by the clergy .

While he was successful in having the Church Act adopted in the colony, Bourke did not succeed with his education proposals despite strong support from the *Australian* and liberals such as W. C. Wentworth. Broughton became the chairman of the 'Protestant Association', formed specifically for the purpose of opposing Bourke's proposals. The Protestant leaders were opposed on four grounds:

- a. education would be dominated by the state, with a minimal amount of doctrinal teaching given;
- b. the Irish system lowered the position of the scriptures in the schools — it was only recommended, and might well be omitted completely;
- c. there was to be no commentary on the readings, and so in remote areas, many children would be left without any doctrinal instruction. All children would be deprived, as an hour per week was insufficient as compared with a curriculum which was built on a religious foundation. Broughton likened it to 'occasional irrigation' as compared to regular rain.
- d. The very fact that the proposed system was commonly called the 'Irish System', devised for a Catholic country with a small Protestant minority, made Protestants suspicious.⁸⁹

Protestants believed Bourke's proposals favoured the Catholics. For their part, the Catholic attitude was one of lukewarm acceptance. In their view, the main thing in

1973), p. 30, from *Ms. Governors Despatches (Enclosures) 1845*, pp. 3312-15.

⁸⁹ R. Border, *Church and State in Australia 1788-1872: A Constitutional History of the Church of England in Australia* (London, 1962), pp. 99-101.

favour of the proposals was that the Anglican monopoly would be broken. The combined Protestant opposition to the Bourke's proposals was too great, and he gave way.

Broughton's own aspirations led to a split from his nonconformist brethren, who came to favour a different system, known then as the British and Foreign School system, which was largely nonconformist in emphasis.⁹⁰

When Bourke was succeeded by Gipps in 1838, an attempt was made to introduce the British and Foreign system, but again the attempt to involve the state in a major way in education failed. Success did not come until it was clear that the denominations could never provide adequate schools for the whole colony. Eventually in 1848 a national system was established alongside that of the denominational schools, with a separate Board to oversee each system. The church schools continued for a time to receive government aid, but with a rapidly growing state system alongside of them. This pattern persisted for several decades, until the various separated colonies cut off all aid to the denominational schools.

Going back to the 1830s, a further blow to Anglican prestige had come in 1834 when Bourke repealed the Act which had required all births, deaths and marriages to be registered with the Anglican clergy. He gave the role instead to the Registrar of the Supreme Court. The same Act also removed any doubt as to the validity of marriages performed according to non-Anglican rites.⁹¹

Bishops

On one matter, however, Bourke and Broughton were agreed, namely, the need to raise the archdeaconry to a bishopric. In 1833 Bourke had recommended that a bishopric be created for New South Wales, and Broughton was nominated to the new See in November 1835.⁹²

⁹⁰ In the British and Foreign School system, there was a considerable amount of scripture passages presented to the students, along with explanatory comments with a Protestant slant, but actual doctrinal and catechetical instruction was excluded. It was that exclusion which made it unacceptable to Broughton.

⁹¹ Act 5 William IV No. 2. See R. Border, *Church and State in Australia 1788-1872: A Constitutional History of the Church of England in Australia* (London, 1962), p. 93. An element of doubt had existed previously, in that such marriages were not permitted in England until 1836.

⁹² 'For the better discipline of the Chaplains of the Church of England, for obtaining the necessary celebration of the Rites of Ordination and Confirmation, and for maintaining the connexion of this Church with the Metropolitan, I would suggest that the Archdeacon of New South Wales be made a Suffragan to the Archbishop of Canterbury or Bishop of London. ... The inconvenience attending the dependence of this Church on the authority of a Bishop placed at the distance of Calcutta from Sydney is too obvious to require much proof'. Bourke to Stanley, 30 September

Broughton in 1833 had indicated his interest in being raised to the episcopate, but when the invitation came in 1835, he had his reservations.⁹³ His differences with Bourke caused him to return to England in 1834 to seek resolution of the issues directly with the Colonial Secretary. He was still in England when invited to accept the bishopric. He replied the same day setting out his misgivings and seeking assurances on a number of points. He wanted freedom to oppose and if possible to thwart the Governor's plans.⁹⁴ Glenelg replied with the necessary assurances, and at the same time indicated that his title would be Bishop of Australia, the Diocese to include the colonies in South Australia and Western Australia.⁹⁵ Broughton formally accepted the bishopric on 10 December, was consecrated at Lambeth Palace in February 1836, and arrived back in Sydney in June.

The appointment of the first Anglican bishop had been preceded by the Catholics appointing John Bede Polding as bishop in 1835. The liberalisation in England which brought the emancipation of Catholics in 1829 led to a more liberal attitude to Catholics in the colony. The Vicar-General Ullathorne had been sent in 1833, and found Bourke ready to listen to the needs of the Catholic population, 'a man of extensive information, as well as experience. Though not a Catholic, he had a great respect for the Catholic religion, and had many Catholic relatives and friends'.⁹⁶

The Vicar-General was provided with a salary of £200 p.a. by the government.⁹⁷ Having surveyed the situation, Ullathorne urged his superiors to appoint a Catholic bishop, for similar reasons to those which caused the Anglicans to move in that direction.⁹⁸ Polding and Ullathorne were English Benedictines, which upset the Irish population, but the government would have been unlikely to approve an Irish episcopate at that stage. Polding was consecrated bishop in London in June 1834, and arrived in Sydney in September 1835.

The Church Act gave a strong boost to the three denominations receiving the government support, making it possible for them to expand in terms of both buildings and manpower. After the many years of strict control and limited support from the

1833. *Historical Records of Australia*, I, 17, pp. 228-9.; For the nomination of Broughton, see Glenelg to Bourke, 30 November 1835. *ibid.*, I, 18, p. 204.

93 Broughton to Arthur, 21 January 1833. Quoted in G. P. Shaw, *Patriarch and Patriot: William Grant Broughton 1788-1853* (Melbourne, 1978), p. 88.

94 Broughton to Glenelg, 3 December 1835. *Historical Records of Australia*, I, 18, pp. 699-701.

95 Glenelg to Broughton, 7 December 1835. *ibid.*, p. 701.

96 Quoted in P. O'Farrell, *The Catholic Church and Community: An Australian History*, (Sydney, 1985), p. 38.

97 *ibid.*, p. 31.

98 Ullathorne had been sent by Bishop Morris in Mauritius, which made episcopal control tenuous. See P. O'Farrell, *ibid.*, p. 39.

government, the Catholic population regarded the Church Act as the 'Magna Carta of their religious liberty'.⁹⁹ As the number of claims made under the Act increased, the financial demand on the government budget increased. The estimate of expenditure on the aided denominations for 1836 was £19,000. By 1841 this had risen to £36,000.

INTERPRETING THE CHURCH ACT

During the same period there was strong agitation for a revision of the constitutional provisions for the colony, for a more representative parliament with greater powers. London passed the Constitution Act of 1842 which gave an enlarged Legislative Council greater powers than held by its predecessor.¹⁰⁰ However, 'Schedule C' attached to the Bill removed the state's support for the denominations from the financial control of the colonial government. It fixed the amount to be distributed annually under the Church Act of 1836 at £30,000. The British government could see that without such a limit, the claims of the denominations were going to become a major drain on the colony's budget. In practice, this meant that as demands increased, the government supplement to each stipend and each building project was reduced. All denominations were forced in the direction of voluntarism.

There was a deeper issue involved, however. The 1836 Church Act was a colonial Act, passed by the local legislature as then constituted. The Constitution Act of 1842 was an imperial Act which overrode the colonial Act to the extent of taking one aspect of its administration out of colonial hands.¹⁰¹ Schedule C was an important indication of imperial policy in reference to the denominations in the colony and their relationship to the state. It meant that radicals in the colonial legislature would not be able to cut off the aid being given. The actual distribution of the aid was in the hands of the Executive Council.

This policy was clarified in the 1840s as a result of attempts by the Jewish community in Sydney to be included in the list of recipients of aid. This was a part of a world-wide movement amongst Jews for a share in the general liberalisation taking place in western society.¹⁰² For example, in 1830, following the July revolution in France,

⁹⁹ P. O'Farrell, *The Catholic Church and Community: An Australian History* (Sydney, 1985), p. 39.

¹⁰⁰ W. G. McMinn, *A Constitutional History of Australia* (Melbourne, 1979), p. 32.

¹⁰¹ See Kelvin Grose, '1847: The Educational Compromise of the Lord Bishop of Australia', *Journal of Religious History* 1.4 (1961), pp. 243-44, on the legal question of whether in fact the imperial Act did override the colonial Act.

¹⁰² 'Ever since the American and French revolutions had proclaimed the doctrine of the natural rights of man and his equality, Jews in the advanced countries of the west were at some time or other waging a struggle for equal civil, political and religious rights'. I. Getzler, *Neither Toleration nor Favour: The Australian Chapter of Jewish Emancipation* (Melbourne, Melbourne University

‘ministers of the Israelite cult’ were put on the government pay-roll in that country, on the same basis as Christian ministers.¹⁰³

As a small Jewish community developed in Sydney during the 1830s, they aspired to equality with their fellow colonists, and were supported by liberal-minded citizens. In England by that time, Protestant and Catholic dissenters had gained a large measure of equality, but Anglican bishops in the Lords had successfully limited the gains to those holding ‘the true faith of a Christian’, thus excluding Jews.¹⁰⁴

This became a definite policy, especially amongst those who were determined to hold on to the close relationship between the Anglican church and the state. To them it was self-evident that Jews could not play a legitimate role in affairs of state. Debating the matter in the Commons in 1841, Gladstone stated the view very succinctly:

[The] profession of the Jews ... who as conscientious men rejected Christianity as a fable and imposture ... was itself in the nature of a disqualification for legislative office in a country where Christianity was interwoven with the institutions of the State.¹⁰⁵

Similar expressions of conservative opinion were voiced in the colony by Macarthur, Cowper, and others, but, from the beginning, without any actual enactment, Jews in Australia were accorded full civil and political rights.¹⁰⁶ The question of religious equality, however, was still uncertain.

Bourke’s Church Act of 1836, passed by the colonial legislature, had removed the Anglican near-monopoly, and referred in its preamble to ‘the advancement of the Christian religion’ as its intention, thus excluding Jews from participating in its benefits. However, as we have seen above, the imperial government’s Constitution Act of 1842 had overridden the Church Act at least to some extent. This raised the question as to whether the Church Act was still in force. Schedule C of the Constitution Act referred simply to ‘Public Worship’, with no specific reference to Christian worship. Did this indicate a deliberate shift of policy in London? Jewish pressure forced the Colonial Office to clarify its intentions.¹⁰⁷

Press, 1970), p. 3.

103 I. Getzler, *Neither Toleration nor Favour: The Australian Chapter of Jewish Emancipation* (Melbourne, 1970), p. 4. Reference from R. Mahler, *Jewish Emancipation, A Selection of Documents* (New York, 1941), pp. 39-40.

104 I. Getzler, *ibid.*, p. 7.

105 Quoted by I. Getzler, *ibid.*, p. 8, from *Hansard Parliamentary Debates*, Third Series, vol. 57, p. 757.

106 *ibid.*, pp. 11-12

107 Getzler argues that Bourke’s original intention, as indicated in a letter to Stanley in 1833, was to extend aid to any group that asked for it. See Bourke to Stanley, 30 September 1833. *Historical Records of Australia*, 17, p. 229. But whether by oversight, or because, as Getzler suggests, Bourke saw it as a necessary compromise in order to get the Act passed at all, the fact remained

By 1839 there were sufficient Jews in Sydney to plan for a synagogue, numbering amongst themselves men of 'economic weight, social status and useful connections'.¹⁰⁸ One such useful connection was with W. C. Wentworth.

No protest was made until 1844, and then it was not over a matter directly connected with the administration of the Church Act. A Select Committee of the Legislative Council had recommended the introduction of a state system of education which would include *general*, rather than denominational, *Christian* education.¹⁰⁹ The Jewish community felt that the committee had ignored their existence. A public meeting decided to petition the Legislative Council, and asked Wentworth to present the petition.¹¹⁰

The petition asked for a system of general religious education which would not interfere with their religious scruples, and that if aid was to be given to Christian schools, that Jews 'may be allowed the same privileges as are now granted to their Christian brethren'.¹¹¹ The *Australian* supported their stand, and urged them to seek their share of aid, not only in regard to education, but for religious purposes as well.¹¹²

In the event, nothing came of the recommendations of the Select Committee, as both Broughton and Polding were opposed.¹¹³ Other petitioners likewise were opposed, and Gipps was not persuaded that there was sufficient support in the community, so did not act on the committee's report.

The next move from the Jewish community came in 1845. They petitioned the Legislative Council for a grant of £1,000 to cover the debt on their building, and a regular stipend of £150 for a Jewish minister. They asked for it to be allocated from the £30,000 available through Schedule C of the 1842 Act, arguing that as it mentioned 'Public Worship without reference to any particular religion', it entitled Jews to receive

that what appear to have been Bourke's intentions in 1833 were not fully realised in the 1836 Act.

108 I. Getzler, *Neither Toleration nor Favour: The Australian Chapter of Jewish Emancipation* (Melbourne, 1970), p. 21.

109 The Select Committee was headed by Robert Lowe, a liberal, and included J. D. Lang.

110 The Jewish community was in favour of a state system, and of general religious education being given within that system, provided it was sufficiently general as to include Jewish children. I. Getzler, *ibid.*, p. 24.

111 *ibid.*, p. 25. The account of these events given by Gregory, *Church and State: Changing Government Policies towards Religion in Australia; with particular reference to Victoria since Separation* (Melbourne, 1973), pp. 28-30 appears to confuse the 1844 petition with that presented in 1845.

112 The *Australian*, 18, 19 September, 1844.

113 J. S. Gregory, *ibid.*, p. 38.

aid in proportion to their numbers.¹¹⁴

W. C. Wentworth argued their case in the Legislative Council in October 1845. On the government side, the Colonial Secretary Thomson and Attorney-General Plunkett both asserted the continuing validity of the Church Act.¹¹⁵

Because he too accepted the validity of the Church Act, Gipps had no option but to turn down the Address from the Legislative Council. Writing to Stanley, he said, 'I considered I could not legally appropriate the funds provided by Schedule C to any other purpose than that of Christian Worship.'¹¹⁶ The reply which came from Gladstone, Stanley's successor at the Colonial Office, confirmed this opinion.¹¹⁷

During the early 1850s, the Colonial Office allowed a greater degree of autonomy to the colonial legislatures, passing the Australian Colonies Government Act of 1850 and 1855.¹¹⁸ By the time Fitzroy's dispatch reached London, the Secretary of State was Lord John Russell, known for his liberal views favouring both Jewish emancipation and responsible government for the colonies. He reversed the previous policy of the Colonial Office and instructed Denison, the new Governor, to comply with the Address. Denison immediately placed £200 on the estimates for 1856.¹¹⁹

¹¹⁴ The petition was again presented by W. C. Wentworth. I. Getzler, *ibid.*, p. 28.

¹¹⁵ Plunkett was sympathetic to the Jewish claim, and proposed therefore that the amounts should come from funds available to the Council for disbursement, rather than from Schedule C. An amendment to that end was defeated, however, and Wentworth's original motion was carried by a substantial majority.

¹¹⁶ Gipps to Stanley, 13 November 1845, *Historical Records of Australia*, 24, p. 612.

¹¹⁷ Gladstone to Gipps, 17 January 1846, *Historical Records of Australia*, 24, pp. 712-15. A further petition was presented, again by Wentworth, in 1846. This time it asked for the amounts to come from general revenue. Wentworth's motion was passed and an Address went to Fitzroy, the new Governor who had replaced Gipps. Fitzroy was more conciliatory than Gipps had been. He agreed to the £1,000 requested for the debt on the synagogue, but referred the matter of the regular stipend to the Secretary of State. Earl Grey, who had replaced Gladstone at the Colonial Office, replied to Fitzroy with a mild reprimand for having agreed to liquidate the debt on the synagogue, but indicated that if the colonial legislature persisted in its desire to give aid to different religious communities, then it should be done by an amendment of the Church Act. See Grey to Fitzroy, 13 April 1847, *Historical Records of Australia*, 25, pp. 484-6. In August 1849, however, when Wentworth introduced a Bill into the Legislative Council to do just that, it was defeated by a small majority. A further attempt was made in 1853 for the Council to ask the Governor to initiate a Bill to provide for the stipend out of general revenue. This resulted in an evenly divided House, and was defeated by the casting vote of the Speaker. Another attempt was made in 1854, and this time succeeded by a substantial majority, including four government members voting in favour. When the Governor replied to the Address that he was still precluded from agreeing by earlier despatches from the Colonial Office, the Council asked him to forward the Address to London along with his favourable recommendation. Fitzroy forwarded the Address, but without any such recommendation. Fitzroy to Grey, 18 October 1854, PRO, C.O. 201/476. See also I. Getzler, *Neither Toleration nor Favour: The Australian Chapter of Jewish Emancipation* (Melbourne, 1970), p. 48.

¹¹⁸ W. G. McMinn, *A Constitutional History of Australia* (Melbourne, 1979), pp. 45-55.

¹¹⁹ I. Getzler, *Neither Toleration nor Favour: The Australian Chapter of Jewish Emancipation* (Melbourne, 1970), p. 49. Russell to Denison, 21 May 1855, PRO, C.O. 201/476.

In large measure Jewish hopes had been realised, but they had not actually achieved recognition equal to their Christian countrymen. Their religion was being supported from a supplementary grant, not from Schedule C. When in 1858 the voluntaryists in the colony were successful in having all supplementary grants to religious groups discontinued, the Christian denominations lost only a part of their total grants, but the Jewish community lost the whole of theirs.¹²⁰

What Russell had reversed was policy in respect to supplementary grants, not his predecessors' interpretation of the 1836 and the 1842 Acts. The Church Act was still valid, its preamble limiting its application to the support of Christian denominations was still intact, and the reference to 'public worship' in the 1842 Act was to be interpreted as Christian worship.

In 1836 and beyond, there was still a continuing acceptance within the Colonial Office and the Legislative Council to the view that the state had a definite commitment to the Christian religion as embodied in the several denominations. While the Council was sympathetic to the Jewish claim for justice, it was not prepared to amend the Church Act to achieve it. This gave some credence to the previously mentioned view (See page 52) expressed by the editor of the *Australian*, when he praised Bourke for having introduced the novelty of a multi-denominational church establishment, which was 'absolutely necessary' for the well-being of the colony. Seen in the light of the subsequent developments outlined above, the judgement of the *Australian* seems nearer the mark than Border's assertion that 'Bourke's policy was to separate Church and State'.¹²¹ What Bourke had done amounted more to an enlarged or broadened establishment rather than disestablishment. It was described this way by Anglican authorities in 1905 when they submitted a case for opinion by legal counsel regarding the continuing 'nexus' with the church in England — 'a system of four contemporaneous religious establishments'.¹²² See chapter 3 details.

A Multiple Establishment

The definition of what is meant by 'establishment', as derived by Border from Dibdin

¹²⁰ I. Getzler, *Neither Toleration nor Favour: The Australian Chapter of Jewish Emancipation* (Melbourne, 1970), p. 52. Withycombe is mistaken when he states that the Jewish community received aid on the same basis as the Christian denominations under the 1836 Act, that is, 'pound for pound grants for clergy stipends, churches and parsonages'. See Robert Withycombe, 'The Anglican Episcopate in England and Australia in the Early Twentieth Century: Towards a Comparative Study,' *The Journal of Religious History*, 16.2, December 1990, p.167.

¹²¹ R. Border, *Church and State in Australia 1788-1872: A Constitutional History of the Church of England in Australia* (London, 1962), p. 90.

¹²² *Legal Nexus. Case with Opinion Obtained from Counsel in England and in the Commonwealth* (Sydney, General Synod [Anglican], 1912), p. 7.

and Selborne (See page 46 above), requires some amendment in detail to fit it to this colonial situation, but the principles can remain intact. What had been defined by Dibdin was the establishment of the Church of England *in England*. The three principles could be re-phrased as follows, to fit the post-1836 situation in Australia:

1. that the State has a special commitment to the Christian religion as embodied in the several denominations;
2. that the Christian denominations have privileges and obligations not shared by other religions;
3. that the internal laws of the Christian denominations are supported by the legal system of the State.

That the first two conditions still applied is clear from the Colonial Office's position on the Jewish appeals for help, as shown above. The third still applied, though in an attenuated manner, in terms of the requirements of the state in respect to the denominations' trusteeship of property. For example, *An Act to Regulate the Temporal Affairs of the Churches and Chapels of the United Church of England and Ireland in New South Wales*, was passed in 1837. This Act was deemed necessary as the Church of England did not have any constitution governing its own internal structures. The bishop had his Letters Patent, which, it was believed, gave him various powers, but that document had been issued against the background of English ecclesiastical law and traditional practices, with a series of checks and balances worked out over centuries. With the Church Act of 1836 having changed the relationships between the bishop and the state on the one hand, and the bishop and clergy and laity of his church on the other, it seemed necessary to regulate the internal organisation and working of the Anglican church in Australia by state legislation.

In similar ways the internal affairs of the other denominations were also regulated by the legal requirements of trusteeship arrangements. Because the other denominations had their internal structures and procedures in place prior to 1836 independently of government regulation, the 1836 Act created few new problems other than requiring them to meet certain criteria if they were to qualify for aid. As holders of property in the colony, however, there were already systems of legally recognised trustees in place, whose duties and responsibilities were regulated by the several denominations, and could be enforced by the state if necessary. Unless a church was to divest itself of all property, it was inevitably required to meet legal requirements established either by custom or enactment.

Border argues that the 1837 Act at some points gave autocratic powers to the bishop over his clergy, and that those sections were not approved of by either Broughton or his clergy. In England, there was a balance of rights held by the bishop, the patron

who had the right to nominate the clergyman to the benefice, and the priest, with an established system of church courts for settling disputes. In the colony at that time, however, there were no beneficed parishes as such, and the Church Act left the priest very much at the mercy of the bishop, who was in effect patron, judge, and jury.¹²³

While this may have been so on paper, it does not seem to have been so in practice. When an attempt was made by Lowe in 1846 to modify the Act in the Legislative Council, the motion received no support from the clergy Lowe claimed to be protecting.¹²⁴

However, as will be detailed in a later chapter, it became apparent in the 1860s that the powers which the Letters Patent purported to give to the bishop were largely non-existent, which left the Church of England in urgent need of structural change.

INTELLECTUAL FERMENT

The nineteenth century was a time of considerable change and intellectual ferment within the church, especially in reference to this question of church and state relationships. Critical scholarship in biblical studies and changing theologies loosened people's adherence to the traditional dogmas. The growth of liberal and democratic trends overseas had an impact within the Australian church. It was a period which saw several dramatic changes of mind in influential personalities. Illustrative of this trend, and of significance for events in the Australian colonies, are the examples of W. E. Gladstone and John Dunmore Lang, the first a moderately high-church Anglican layman and a leading British statesman of his day, the second a prominent colonial Presbyterian figure.

As already outlined in chapter 1, between the 1830s and the 1870s, Gladstone went from being the foremost proponent of the Royal Supremacy and the Anglican establishment — regarded in fact by many in his own communion as holding decidedly outdated views concerning the role of the crown in the life of the Church of England — to being prepared to openly canvass the possibility of a radical revision of the relationship between the Church of England and the state.¹²⁵ Gladstone also had a close interest in the Episcopal Church of Scotland, a non-established church. He

¹²³ R. Border, *Church and State in Australia 1788-1872: A Constitutional History of the Church of England in Australia* (London, 1962), pp. 96.

¹²⁴ There was ample evidence that Broughton had not used his supposed powers to their detriment. The Bill was seen to be part of a personal vendetta Lowe had been conducting against the bishop. See G. P. Shaw, *Patriarch and Patriot: William Grant Broughton 1788-1853* (Melbourne, 1978), pp. 193-7.

¹²⁵ See note 101 on p. 26 above.

sounded warnings for that church as to the possible dangers inherent in any close link to the state, pointing out that even for a non-established church, some relationship with the state was inevitable, and so must be constantly on its guard.¹²⁶

Reference was made earlier to how, soon after John Dunmore Lang's arrival in Sydney, the Presbyterians petitioned Governor Brisbane for government aid to enable them to form a church. After an initial refusal by Governor Brisbane, an appeal to London gained Lang a generous stipend of £300 per annum. Up to the late 1830s, Lang was himself in receipt of that stipend from the government, so he cannot be accused either of self-interest, or of vindictiveness against other recipients of aid, when he became a convert to the voluntaryist position and one of its most ardent advocates in the colony from 1840 onwards. In 1840 he stated that the change was the direct result of what he had observed in the United States en-route to Scotland.¹²⁷ Lang's new-found convictions were not well received in his homeland, but fell on congenial soil back in Australia. He attributed the healthy condition of the church in America primarily to its disconnection from the state, and the fact that it was fully maintained by its members.

Originally he had supported the Church Act in 1836, but his change of mind meant that he was not sorry to see the level of government support for the denominations declining after 1842. On the question of the government's role in education, he supported the setting up of the national system, not to replace the church schools, but to complement them.

SUMMARY

Australia was first settled by Europeans at a time when the relationship between church and state in Britain had been stabilised. The upheavals of the sixteenth century, the Civil War, the Commonwealth and the Restoration periods in the seventeenth had given way to relative calm. There was a common assumption that there must be a close association between the two. Writing in 1790, Edmund Burke said,

The majority of the people of England far from thinking a religious national establishment unlawful, hardly think it lawful to be without one ... They do not consider their church establishment as convenient, but as essential to their state; ... They consider it as the whole foundation of their constitution ... Church and State are ideas inseparable in their minds, and scarcely is the one ever mentioned without the other.¹²⁸

¹²⁶ See W. G. Gladstone, *A Letter to the Rt. Reverend William Skinner, D. D. on the Functions of Laymen in the Church*, ed. by Malcolm MacColl (London, 1869).

¹²⁷ John Dunmore Lang, *Religion and Education in America: with Notices of the State and Prospects of American Unitarianism, Popery, and African Colonisation* (London, 1840). Preface addressed to 'the Christian Laity of the Church of Scotland'.

¹²⁸ Quoted by J. S. Gregory, *Church and State: Changing Government Policies towards Religion in*

Burke's statement, while reasonably accurate in relation to an time earlier than when he wrote, did not do justice to the growing number of Protestant nonconformists in England or to the preponderance of Catholics in Ireland. These were sources of tensions which arose in the Australian colonies, requiring a different solution from what had pertained in Britain. The French Revolution on which Burke was commenting made its contribution to the development of the liberal-democratic views outlined in Chapter 1, views which permitted one member of the Victorian parliament to declare, seventy-nine years after Burke wrote, that the state had 'nothing to do with religion except to let it alone'.¹²⁹

The history of the European settlement of Australia and the growth of the denominations up to Queensland's separation from New South Wales in 1859 can be divided into three periods. First, there was period of the military chaplaincies from 1788 to 1824, when there was an assumed Anglican establishment, with no more than a grudging permission given to the presence of other denominations and clergy. The second period was from 1824 to 1836, during which there was an explicit establishment of the Church of England, but at the same time some recognition and support given to Catholics and Presbyterians. The third period followed Bourke's Church Act, when there was a 'multi-denominational' form of establishment, with a definite commitment of the state to the Christian religion.

Virtually from the beginning of settlement, there was the rapid growth of a liberal-democratic outlook in the community, and the gaining of responsible self-government in the colonies gave opportunity for liberals to whittle away at all sectional privileges.

The Bourke policy was the beginning of a revolution in Church-State relationships which culminated in synodical government in the [Anglican] Church and popular democratic government in the State.¹³⁰

All subsequent developments in church-state relationships in Australia must be seen against the background of Bourke's Church Act, and the social, political, and intellectual developments which had transformed the Australian colonies by the mid-19th century. When separation came in 1859, pressures were running strongly against any close relationship between church and state, and separation presented immediate opportunities for change in the emerging colony. One of the first acts of the newly elected parliament in 1860 was to abolish the aid given under the Church Act of 1836.

Australia; with particular reference to Victoria since Separation (Melbourne, 1973), pp. 1-2, from Edmund Burke, *Reflections on the Revolution in France* (London, 1790).

¹²⁹ Quoted in J. S. Gregory, *Church and State: Changing Government Policies towards Religion in Australia; with particular reference to Victoria since Separation* (Melbourne, 1973), p. 3.

¹³⁰ R. Border, *Church and State in Australia 1788-1872: A Constitutional History of the Church of England in Australia* (London, 1962), p. 88.

Chapter 3

VESTIGES OF ESTABLISHMENT

THE ANGLICAN NEXUS

One of the earliest acts of the first Queensland parliament when it met in mid-1860 was to pass Act 24 Vic. No. 3, which cut off direct aid to the four denominations which had been in receipt of that support from the New South Wales government. It was thought that the severance of those financial ties would leave all the denominations in the same position so far as relations with the state were concerned. That was not the case, however. This chapter will look at the peculiar situation of the Anglican Church in Queensland — peculiar because of the legacy it carried from its past. While ostensibly severed from its earlier connection with the state, remnants of the past remained until well into the present century, remnants which both helped and hindered the church's work. By the turn of the century, Anglicans in Queensland, as throughout Australia, were becoming more conscious of the hindrances.

LEGAL QUESTIONS — 1905

On 12 October 1905 the General Synod passed the following resolution:

That the three Archbishops and the Bishop of Perth be a Committee to consider what is the legal nexus of the various Dioceses in Australia and Tasmania with the Church in England; to obtain legal opinion in the Commonwealth and in England; to consult with the Archbishop of Canterbury; and to report to the respective Bishops in the Dioceses of Australia and Tasmania.¹

The committee, in the case they put to legal counsel, outlined the historical developments from 1600, when the original East India Company received its charter. The company was given the exclusive right to trade with all the countries and places situated beyond the Cape of Good Hope and the Straits of Magellan not then occupied by any European Power. That included the Australian continent.

This charter was relevant to the Church of England in Australia from 1814 to 1836. In 1814 the bishopric of Calcutta was established, and given responsibility for Australia — though it was never exercised effectively. When the military chaplaincies evolved into a more traditional form of church (see chapter 2), the new archdeaconry was placed within that diocese. This continued until Broughton was appointed bishop in 1836.

¹ *Legal Nexus. Case with Opinion Obtained from Counsel in England and in the Commonwealth* (Sydney, 1912), p. 3.

The Colonial Office and senior colonial figures in the early decades of white settlement assumed the Church of England would be the established church, as in the mother country. Until 1859 the crown appointed all chaplains and bishops. The latter arrived in Australia bearing their Letters Patent from the crown. The setting up of the Church and Schools Corporation in 1826 rested on the assumption that the state would be maintaining the Church of England into the future. The state would be expecting it to provide for the religious and educational needs of the colonists.

However, by the end of the 1820s (see chapter 2), the situation had changed. It became evident that an exclusive, or even a privileged, relationship between the Church of England and the crown was going to prove untenable in the long term. From 1833 Governor Bourke believed the Church of England should take its place alongside the other major Christian denominations. His Church Act of 1836 distributed aid on an equitable basis to the colony's three major denominations, the Anglican, the Catholic, and the Presbyterian denominations. The Methodists were included later. The aid continued until it was terminated later in the century by the various colonial legislatures.

It could still be said that the state saw the Church of England to a degree as first amongst equals. At a number of points a special relationship showed itself. Governors regularly reported to London on Anglican church affairs; the activities of the bishops; and suchlike. Possibly another example of this was the Act passed in 1837,² which determined the pattern of government and administration for the Church of England in the colony. No comparable legislation was passed in respect to the other denominations. On the other hand it could be argued that it was a form of legislation that the other denominations did not need. They would have resented it as an unwanted intrusion into their affairs.

The Questions

Acting on the resolution of the General Synod of 1905, referred to above, counsels' opinion was sought on a number of questions, most being relevant to all the Australian dioceses, and a few relevant to particular specified dioceses. The questions were:

1. What is the effect of the Letters Patent purporting to confer jurisdiction and mission in view of Imperial and Colonial legislation?
2. How far do the South African cases cited apply to the Church of England in Australia and Tasmania?³

² Act 8 William IV, No. 5. *An Act to regulate the temporal affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales.*

³ The cases were *Long v. Bishop of Capetown*; *ex parte Bishop of Natal*; *Colenso v. Gladstone*.

3. To what extent does the law of the Church of England bind the Bishops, Clergy and Laity and persons holding property in trust for Church of England purposes or similar purposes in Australia and Tasmania.
4. How far would the proviso for interpretation and meaning set out in Clause 5 of the Constitution of the Diocese of Brisbane be applied by a Civil Court in any of the Australian States in the decision of any action brought before such a Court?
 - (a) Arising within the Diocese of Brisbane.
 - (b) Arising within the Diocese of Rockhampton.
 - (c) Arising in a Diocese not constituted by consensual compact.
5. Is it competent for
 - (a) Any Diocesan or Provincial Synod, or
 - (b) The General Synod to pass any Canon, Ordinance or Determination altering or contravening any and what part of the Ecclesiastical law of the Church of England or the Liturgy or formularies of such Church?
6. How far is it competent for
 - (a) A Diocesan Bishop
 - (b) A Metropolitan
 - (c) The Primate of Australia
 - (d) An Episcopal Synodto permit the use of services not included in the Book of Common Prayer?
7. Would the granting of permission to use such services render any Bishop of Archbishop guilty of an offence under the Determination of General Synod relating to the trial of Bishops?
8. If it is not competent for any Synod to pass such Canons, Ordinances or Determinations as are mentioned in Question 5, would the effect of such legislation so passed be merely null and void as ultra vires, or would it destroy the connection with the Church of England? See *Merriman v. Williams*, 7 App. Cas., p. 484.
9. Would it be competent for
 - (a) Any Australian State
 - (b) The Commonwealthto give legislative authority to the Dioceses within the respective ambits of their legislative powers for the altering and amending the Book of Common Prayer or other formularies without interfering with the present relations between the Church at Home and abroad?

10. Generally as to the status of the Church of England in Australia and Tasmania?⁴

The Archbishop of Melbourne asked further questions pertaining to the some Victorian Dioceses, constituted by Act of Parliament rather than consensual compact.

The Answers (See Appendix A for full text of Opinions)

The replies from the English counsel were received in mid-1911,⁵ and from the Australian counsel in April 1912.⁶ Addressing the Synod of the Diocese of Brisbane the following June, Archbishop Donaldson summarised the opinions,

The Australian opinion concurs in every particular with that of the English Counsel. We may conclude therefore that we are legally a part of the Church of England. *As a non-established Church we are part of the English Establishment, bound by its fetters, though without any privileges which establishment might bring. ...*

We are altogether excluded from having any voice in the revision of the Prayer Book. ... Within the Anglican Communion, the Church of Ireland, the Episcopal Church of Scotland, the Church of the Province of South Africa, and the Episcopal Church of America have all adapted the Prayer Book to their own needs, and why should not the Church in Australia be empowered to do the like?⁷

In similar vein, preaching a sermon in Townsville before the Provincial Synod of Queensland in September of the same year, Bishop Frodsham said,

In Australia there are no religious disabilities, while conversely the State claims no control over the religious life of the people except so far as civil rights are involved. But in Australia there is no establishment, and legal nexus is not with the Australian State, but with the English State ...

Again we must realise — no matter how difficult and unpleasant it may be to do so — that *the claim that we are an integral part of the Church of England in England has reduced our Church law to chaos*. Our Constitution and Canons break down at their most vital part — the administration of discipline. ... *The fact is, we have been tied, or we have tied ourselves, to a system of law which is every day becoming more and more inapplicable to Australian needs*. We are building a Church upon the sands of fancy and make believe ...⁸

ENGLISH DEVELOPMENTS IN 19TH CENTURY

These two leaders of the Queensland church were echoing what had been expressed much earlier, for example, by James Stephen, in a memorandum to Earl Grey in 1850:

The Canons framed for England alone ... (and the) inability to change them condemns the Anglican Colonial Church to inaction and sterility in fields which, if free, she might act with vigour and prolific effect ...

⁴ *Legal Nexus. Case with Opinion Obtained from Counsel in England and in the Commonwealth* (Sydney, 1912), pp. 19-20.

⁵ The English counsel approached were Arthur Cohen, Robert Cecil, and A. B. Kempe.

⁶ The Australian counsel approached were Adrian Knox and J. Musgrave Harvey.

⁷ *Proceedings of Synod*, June 1912, p. 19 (emphasis added).

⁸ *Proceedings of Queensland Provincial Synod*, September 1912, pp. 4-5 (emphasis added).

In New South Wales the Catholics and Methodists have their full share in the endowments with perfect freedom of action, — the Church of England ... (illegible) with an absolute denial of such freedom. The fetters which our Churchmen bear cheerfully because they are gilded, the Australian Churchmen bear grudgingly ... [the fetters are] a badge of servitude.⁹

The problems which then were causing so much alarm and concern had been showing up with increasing force since the early 1830s — from the time it was accepted by the colonial and the imperial legislatures that an established Church of England in Australia was an impossibility. Public opinion as represented in the reformed House of Commons and the colonial legislature made it unlikely that either would have agreed to any position of exclusive privilege for the Anglican church. The pattern of migration had introduced a radically different mix from England, with a substantial Irish Catholic component, plus Presbyterians from the established Church of Scotland.

Moves for Disestablishment

In England there was a swell of opinion amongst the dissenting population urging disestablishment of the church in that country. As mentioned in chapter 1, this was in part a reaction to the success of the Oxford Movement, but also to some extent promoted by it. The Tractarians' emphasis on ritual and the adoption of what were seen as strong elements of Roman Catholicism caused apprehension amongst dissenters, who feared that the major portion of English Christianity would shortly be reunited with Rome. In 1844 Edward Miall, editor of the *Nonconformist*, and John Williams, both Congregationalists, formed the 'British Anti-State Church Association'. It changed its name in 1853 to the 'Society for the Liberation of Religion from State Patronage and Control', and was commonly known from 1856 as the 'Liberation Society'.¹⁰ This body campaigned vigorously over the following decades. Indicative of the interest generated were the large attendances at two meetings held in Liverpool on 26 February and 1 March 1847, to hear Miall debating the issue with the Joseph Baylee. Each meeting lasted over three hours. Tickets bought for a nominal sum were resold for one guinea!¹¹

In 1848 Miall spelled out the principles espoused by his Association:

I. The separation of the Church from the State includes the repeal of all laws or portions of laws which inflict penalty, or civil disability, on account of religious profession.

⁹ Stephen to Grey, 28 September 1850. PRO, C.O. 325/40.

¹⁰ See M. A. Crowther, *Church Embattled: Religious Controversy in Mid-Victorian England* (Newton Abbot, 1970), p. 17.

¹¹ *Church Establishments. The Authenticated Report of the Discussion between Edward Miall Esq., and Rev. Joseph Baylee at Liverpool on 26th February, and 1st March, 1847* (London, 1864).

II. By the Separation of the Church from the State, we mean the abolition of all preferences and privileges conferred by law, in favour of any form or forms of religious faith or profession.

III. By the Separation of the Church from the State, we intend the resumption by the Legislature, for strictly secular purposes, of all national property now devoted to the maintenance of religion.¹²

The disestablishment of the Church of Ireland in 1869 encouraged dissenters to press even harder, and the movement reached its peak in the 1870s. In the Commons in May 1871, Miall proposed a motion for disestablishment, and gained the support of eighty-nine members. *The Times* expressed the opinion that disestablishment would come by the end of the century. In the event, that did not happen, and by the 1890s dissenters had lost interest, having gained most of the concessions they had fought for since the seventeenth century. The Liberation Society was eventually wound up in 1959.¹³

For their part, as indicated in Chapter 1, Tractarians sought freedom from state domination. Some held the view that their cause in England would be promoted by encouraging freedom for the Church of England in the colonies:

[The] Church of England might be strengthened, and its purpose and character vindicated, by encouraging the growth of the colonial church. Free of the trammels of State intervention and the traditions of legislative interference, the church in the rapidly expanding empire could show forth the truly apostolic nature of *Ecclesia Anglicana*. It would be an example for the Church of England. ... Colonial bishops were urged to speak out on controversial doctrinal issues which in England were dominated by lawyers. The church in the new world was to redress its imbalance in the old.¹⁴

Australia was not insulated from these developments in English opinion — on the contrary, the colonial population was generally receptive towards the push for freedom from state control and support. Many who would probably have been contented conservatives in Britain chafed under restrictions applied in the colonial situation. Indicative that problems were arising in the colonial church as well as in England was a letter from E. Coleridge of Eton to W. E. Gladstone in December 1845, congratulating him on his appointment as Colonial Secretary. Over the years Coleridge took a lively interest in Anglican affairs in the colonies. He hoped something might be done to place the colonial church on an ‘intelligible basis’, so that

¹² E. Miall, *What is the Separation of Church and State?* (London, 1848).

¹³ See R. W. Dale, *History of English Congregationalism* (London, 1907), pp. 635-640; and R. T. Jones, *Congregationalism in England: 1662-1962* (London, 1962), p. 277.

¹⁴ Kenneth J. Cable, ‘The Dioceses of Sydney and Newcastle’ in Brian Porter, ed. *Colonial Tractarians: The Oxford Movement in Australia* (Melbourne, 1989), pp. 37-38. Cable refers to L. Grant, *The Colonial Church* (London, 1852), pp. 96-110, and to Gladstone to Heathcote, 15 September 1850. Heathcote Papers, Bodleian Library, Oxford.

the bishops and clergy might know their actual status. That would end the 'necessity of [the] Bishop becoming Pugnacious'.¹⁵

His term as Colonial Secretary and his deep attachment to the established church gave Gladstone a genuine appreciation of the problems facing Anglican clergy in the colonies. A few months after his appointment he answered a letter that the Archbishop of Canterbury had sent his predecessor regarding the government of the church in Australia. Gladstone noted the defective state of the law relating to the Australian clergy, in particular concerning their relation to their diocesans. He knew there were serious grievances and causes for complaint on both sides. He suggested that the bishops in Australia and Van Dieman's Land be asked to comment on problems they had regarding jurisdiction in their dioceses, and proffer possible solutions. He would also consult with the Governors of the colonies as to any effect upon civil rights and the relation of church and state that might follow upon changes in the law. He would do this confidentially so as not 'to distract the public mind with vague ideas'.¹⁶

In 1853 in the Commons when the Canadian Clergy Reserves Bill was being debated, Gladstone argued, 'If you want to make the position of the Church of England, which is now honourable, both weak and odious, then combine the maintenance of her claims with the denial of the principle of colonial freedom'.¹⁷

CHALLENGES TO EPISCOPAL AUTHORITY IN AUSTRALIA

In the years after 1837, there were a number of challenges to Broughton's jurisdiction over his clergy. Border states,

From 1837 Bishop Broughton had to deal with his clergy on two fronts. There was the direct and personal relationship of the bishop to his clergy which springs from the pastoral nature of the Bishop's office. This required canonical obedience by the clergy and their subordination to the episcopal office. But the clergy were also quasi public servants and, where they were schoolteachers, gaol chaplains ... they were subordinate to the Governor or Lieutenant-Governor as the case may be.¹⁸

The problem surfaced first in Tasmania in 1837, where the Anglican clergyman Bedford was accused of irregularities in respect to a school for which he was responsible. In that it was an offence against the civil law, the state claimed jurisdiction. Broughton vigorously denied this claim. On the basis of his Letters Patent, he claimed that jurisdiction over all Anglican clergy was in his hands. That had

¹⁵ Coleridge to Gladstone, 25 December 1845, BL, *Gladstone Papers*, Add. 44137, ff. 250-253.

¹⁶ Gladstone to Howley, 21 March 1846, BL, *Gladstone Papers*, Add. 44363, f. 340.

¹⁷ Hansard, cxxiv. 1138-52.

¹⁸ R. Border, *Church and State in Australia 1788-1872: A Constitutional History of the Church of England in Australia* (London, 1962), p. 108.

been true of bishops in England for centuries. Just as military personnel were tried by their peers in military courts, so it was with clergy.

The situation was never completely resolved during Broughton's lifetime, though he did succeed in securing from the Secretary of State an assurance concerning his jurisdiction in cases of ecclesiastical offences.¹⁹ But in civil cases, Anglican clergy would be subject to civil law, investigated and tried by the normal processes. This divided jurisdiction was the source of much friction in the years ahead, accentuated wherever clergy were still being used as gaol and convict chaplains, subject to the military authorities.²⁰

The issue of coercive jurisdiction was coming to a head. What power had a bishop to enforce or have enforced a decision of an ecclesiastical jurisdiction, for example, in respect to an erring clergyman? Such matters in England were handled through the ecclesiastical courts that were part of the established church and legal structure. In the colonies there were no such courts, even though the Letters Patent held by the bishops purported to give them jurisdiction over a specified territory.²¹

Bishop Nixon in Hobart came up against the problem when he attempted to discipline one of his clergy who had been appointed originally as a chaplain.²² In a letter to Gladstone in July 1846, the Governor of Tasmania, E. E. Wilmot, pointed to the difficulty that would arise if the bishop attempted to set up an ecclesiastical court with coercive power. There were by then three denominations acknowledged and paid for by the government.²³ As mentioned above, Gladstone had earlier acknowledged the defective state of the law regarding Anglican clergy in the colonies, especially their relation to the bishops.²⁴ Writing to Grey in 1847, Nixon pointed to the impossibility of the situation: 'on the one hand, my authority was set aside, because no trial had taken place, — it was virtually held on the other, that even had there been a trial, it

¹⁹ See R. Border, *Church and State in Australia 1788-1872: A Constitutional History of the Church of England in Australia* (London, 1962), pp. 108-113, for details of Bedford case.

²⁰ Border asserts that the dispute between the state and the church regarding jurisdiction over the clergy has continued up to modern times - though obviously more in the background. The coming into effect of its Australian constitution in 1962 has now resolved the issue. See R. Border, *Church and State in Australia 1788-1872: A Constitutional History of the Church of England in Australia* (London, 1962), p. 113, also his Epilogue on pp. 273-85.

²¹ The problem was not confined to Australia, but existed in all the colonies where it was believed that the Church of England was established and held a similar relationship to the British crown as it England itself. See E.D. Daw, *Church and State in the Empire: the Evolution of Imperial Policy 1846-1856* (Canberra, Occasional Monograph No. 1, Department of Government, Faculty of Military Studies, University of New South Wales, 1977), pp. 5-7.

²² Francis Russell Nixon was appointed to the new diocese of Tasmania in 1842.

²³ Wilmot to Gladstone, 4 July, 1846. BL, *Gladstone Papers*, Add. 44377, ff. 143-145.

²⁴ Gladstone to Howley, 21 March 1846. BL, *Gladstone Papers*, Add. 44363, f. 340.

would have been inoperative'.²⁵

In Sydney, Broughton's powers were challenged by the Duffus case in 1848.²⁶ Border commented:

It highlighted the anomalous position of the Church, as a privileged quasi department of State on the one hand and in need of an increase in the exercise of autonomous episcopal authority on the other. Whereas in England the range of episcopal authority within the framework of the State had become fairly clear over the centuries, in Australia the situation was scarcely more than a haphazard muddle.²⁷

Broughton took his stand not only on the grounds of authority conferred by his Letters Patent, but also on the power of jurisdiction that he believed was inherent in the bishop's office. That was recognised by the common law of England and the British parliament and observed by British courts.²⁸ Broughton was being loyal to his high-church 'Tractarian' principles, but the same principles caused the more evangelical clergy and laity to rebel against his concept of episcopal authority.²⁹

During the 1840s several new dioceses had been carved out of the original Anglican diocese of Australia — Tasmania, Melbourne, Newcastle, Adelaide, and then in the 1850s Perth and Brisbane. This meant that Broughton was not the sole episcopal mind being applied to the problem, though he continued to give a vital lead in thinking through the issues involved.³⁰

²⁵ Nixon to Grey, 13 July 1847. BL, Gladstone *Papers*, Add. 44377, f. 145. Other documents on the matter are included in House of Commons *Accounts and Papers*, vol. XXXVII, 1850.

²⁶ John Duffus was accused of adultery and other offences. See R. Border, *Church and State in Australia 1788-1872: A Constitutional History of the Church of England in Australia* (London, 1962), p. 144.

²⁷ *ibid.*, p. 143.

²⁸ *ibid.*, p. 148, and G. P. Shaw, *Patriarch and Patriot: William Grant Broughton 1788-1853* (Melbourne, 1978), pp. 192-8.

²⁹ Robert Lowe, the editor of *The Atlas*, referred to Broughton as the 'Australian Pope, Patriarch and Pontiff', and to 'semi-popish' crosses and 'popish paraphernalia' in churches. *Atlas*, 31 and 10 January 1846. At issue, however, was Broughton's attitude to church-state relationships, leading to a call by the *Atlas* in 1846 to the laymen in the Church of England to take the government of the church out of the hands of the clergy. While few Anglican laymen wished to go to that extreme, it was clear that they were going to expect a far greater role in the government of their church, especially as they were being urged by Broughton to provide an increasing amount of direct financial support to make up for the diminishing state grants. Broughton, for his part, was not against this expectation. Coupled with the emerging difficulties he was encountering in exercising episcopal discipline in the diocese, it pointed to the need for a system of synodical government for the Church of England in Australia. See R. Border, *ibid.*, pp. 150-154.

³⁰ Bishop Perry of Melbourne was likewise actively seeking for a solution. He was convinced that the solution lay in having the colonial legislature pass the necessary Acts to permit the Church of England to set up diocesan synods composed of bishops, priests, and laity. Unexpectedly, however, this attempt was stopped in its tracks by vigorous opposition from within the community at large and from within the Church of England itself. Due in part to misinformation and misunderstanding, nonconformists saw the move as aiming at having the Church of England established as the state religion once again, while the Anglican laity saw it

Writing to Gladstone in 1854, Nixon referred to ‘... the utter inability of a Colonial Bishop to carry into effect the ordinary discipline of the Church, without creating a greater evil than that which he desired to cure’. He must act on his own interpretation of ecclesiastical law and usage, with the result that discipline was regarded as emanating from the bishop’s will, or his own caprice.³¹ The same year, the Colonial Secretary tabled Printed Papers in the House of Commons. These reported legal officers to have stated, ‘the difficulty is without remedy in the present state of things’.³²

In September 1846, Bishop G. A. Selwyn of New Zealand, a friend of Gladstone, wrote a letter setting out the issues from his perspective:

Though all ‘sects’ are said to be equal, and the Church of England to be one of the many sects; we are supposed to be the only religious body without a conscience, and therefore the one to be called upon to marry, bury and baptize, whether we approve of the cases presented to us or not. The general substance of my present feeling is that we want but little assistance, but much more, the removal of hindrances to the free action of the Church.

He went on to plead for a situation similar to the Episcopal Church in the United States of America — freedom to appoint bishops as required, just as St. Augustine had the power when he was sent to Britain. ‘We want neither £5,000 nor a seat in the House of Lords.’ He looked to the time when the Colonial Bishoprics Fund would have vitality enough to go against ‘the standing creed of Politicians, that the fewer Bishops, the better: a doctrine founded entirely upon the English Connexion between Church and State’.³³

Gladstone’s Bills

For a time Gladstone believed that the situation could be remedied by legislation in the imperial parliament, and made several attempts in the early 1850s to introduce bills which he had drafted. He sought to make it possible for a colonial diocese to govern itself, free of the ecclesiastical laws of England. At the same time he wanted to prevent the Anglican communion from splitting into autonomous and divergent denominations scattered around the world.

Opposition appeared from many quarters. The Bishop of Norwich warned against any

as an attempt to entrench the bishops with dictatorial powers. See R. Border, *ibid.*, pp. 158-162.

³¹ Nixon to Gladstone, 28 January 1854. BL, *Gladstone Papers*, Add. 44377, f. 120. British Library.

³² *Printed Papers 1854, Laid on Table by Colonial Secretary*. A copy is included in BL, *Gladstone Papers*, Add. 44584, ff. 125-141.

³³ BL, *Gladstone Papers*, Add. 44299, ff. 95-98.

legislation to improve the position of the colonial church. The majority would see it as a backdoor way of eventually changing the situation at home. He apparently feared moves towards disestablishment. Some who had a real concern for the church in the colonies feared that imperial legislation would finish up endangering that church. Legislation would make them dependent upon it, and embed the principle of state interference in the internal affairs of the church still further.³⁴

A further complication arose from his desire to ensure the continuing unity of the Anglican communion. Gladstone had proposed that a power of veto over any canons of a colonial synod be given to the Archbishop of Canterbury. It was pointed out to him that this amounted to a recognition of the doctrine of papal supremacy over distant bishoprics. The rejection of that doctrine was the reason for the very existence of the Church of England as a church separated from Rome!³⁵

DIOCESAN SYNODS

The practical issue troubling the colonial bishops was the question of whether they could legally, given their allegiance to the crown and to Canterbury, call synods together to govern their dioceses. Would it be legal, as the crown had not allowed the Convocations of Canterbury and York to meet in other than a perfunctory way for two hundred years? Would it need special enabling legislation through the imperial parliament, the colonial legislature, or both? Legal opinions were divided.

Sydney Conference

A move towards the resolution of the problem was made when the Australasian bishops met in conference in Sydney for a month in October 1850. The meeting decided that both provincial and diocesan synods were needed, composed of the bishops and representative clergy. Laymen would meet simultaneously in 'conventions' that could be consulted by the clergy concerning the 'temporalities' of the church. Either order

³⁴ Several drafts of possible legislation can be found in BL, *Gladstone Papers*, Add. 44738, ff. 5-102.. For a discussion of Gladstone's Bills, see E.D. Daw, *Church and State in the Empire: The Evolution of Imperial Policy 1846-1856*. Canberra: Department of Government, Faculty of Military Studies, University of New South Wales. Occasional Monograph No. 1, 1977; G. P. Shaw, *Patriarch and Patriot: William Grant Broughton 1788-1853* (Melbourne, 1978), pp. 248-272.

³⁵ Fitzgerald to Gladstone, 22 January, 1850. BL, *Gladstone Papers*. Add. 44369, f. 20. J. E. Fitzgerald was Secretary to Society for Reform of Colonial Government. In place of Gladstone's proposals, Fitzgerald proposed a simple enactment that no laws passed in England should apply to the Church in the Colonies. Writing again six months later, Fitzgerald indicated that his Society was planning to prepare a model Bill for NSW, and would probably agree to support any attempt to remove impediments arising from the link between Church and State in England. See f. 1.

would be able to veto any decision.³⁶

Writing to Gladstone shortly after that meeting, Broughton's letter indicated the strong feelings involved. They had come to the conclusion that they were bound hand and foot by the royal supremacy, and so they did not assume the character of a provincial synod. They hoped for freedom of action, but were afraid premature assumption of powers might prejudice it:

We are under inhibitions, and look forward for the removal of restrictions.

While not believing that we are held in law, yet we are in conscience recognizing the canons binding upon us as bishops, and still more by our subscription to Art. 37, and perhaps by royal declaration attached to Art. 5.

These ought not to apply where Crown cannot exercise its authority to conserve and maintain the Church in unity of true religion etc. What we need is emancipation by sufficient authority, by what we conceive ourselves bound not to assume the exercise of Synodical powers, Provincial or Diocesan. I trust this degree of power will not be withheld from us.³⁷

Border comments that there was consensus on the need for synodical government, but uncertainty as how best to proceed.

As Churchmen, their loyalty was to the king as Monarch and as "Supreme Governor" of the Church and "Defender of the Faith". Bishop Broughton, especially, was devoted to the doctrine of the Royal Supremacy. He saw in it the expression of the scriptural injunctions concerning the king and all earthly rulers and a safeguard of the Reformation settlement, a guarantee of religious freedom, a guardian of religious truth, and a vindication of the right of Englishmen to be governed in all matters by their constitutional rulers without interference from "foreign prelates or powers".

This conviction about the Royal Supremacy, more than anything else, influenced Bishop Broughton in his controversy with State Governors and Ministers of State about the precedence of the bishops of the Anglican Church over those of Rome. It determined his relationship to the various denominations in the colony.³⁸

Broughton also saw an anomaly in appeals from the Metropolitan of Sydney to the Metropolitan of Canterbury, as currently required. Appeals from a Metropolitan should be to a Provincial Synod, not to another Metropolitan.³⁹

At the same time pressure for change was also building elsewhere. In June 1851 the Bishop of Toronto wrote to the Archbishop of Canterbury, stressing the need for a constitutional arrangement to enable the Church of England in the colonies to govern itself. He pointed out that the laws of the Church of England made no provision for

³⁶ *Minutes of Proceedings at a Meeting of the Metropolitan and Suffragan Bishops of the Province of Australasia, Held at Sydney from October 1st to November 1st, A.D. 1850*, pp. 7-8.

³⁷ Broughton to Gladstone, 19 November 1850. BL, *Gladstone Papers*, Add. 44369, ff. 421-428.

³⁸ R. Border, *Church and State in Australia 1788-1872: A Constitutional History of the Church of England in Australia* (London, 1962), pp. 168-169.

³⁹ Broughton to Gladstone, 19 November 1850. BL, *Gladstone Papers*, Add. 44369, ff. 421-428.

missionary and colonial situations, having been framed in the time of the Reformation.⁴⁰ In New Zealand Bishop Selwyn circulated a Pastoral Letter on the need for a local constitution for the Church of England, and listed some 'fundamental principles'. These proposed that the Church of England be allowed to make bye-laws, while preserving such rights and powers as may be necessary to maintain the Queen's Supremacy.⁴¹ In Newcastle, the Newcastle Church-Society pointed to a growing desire for the imperial parliament to fix the outlines of a constitution for the colonial church.⁴²

A series of letters that appeared in the *Colonial Church Chronicle* (London) in 1851 gave an incisive discussion of church government in the colonies. The writer mentioned that the Letters Patent had already been found defective in terms of conferring jurisdiction on the bishops. The remedy lay in diocesan synods.⁴³

Meanwhile action was being contemplated in the colonies through their own legislatures, prompting Gladstone in January 1853 to write to Sir William Denison, the Lieutenant-Governor of Tasmania. Commenting on the several Colonial Church Bills which he had tried unsuccessfully to have passed, Gladstone said he was not aiming —

either at diminishing the rights of the Colonial Legislatures in reference to any religious body, or for doing for such a body what the Colonial Legislatures might do: but simply at removing impediments which grow out of the state of Ecclesiastical Law in England, and the question incident to its transplantation to the Colonies:— and which now fetter both the Church in the Colonies, and the Colonial Legislatures.

He went on to express the view that his Bill was a necessary preliminary to a measure which Denison was contemplating:

The balance of legal opinion here is in favour of the doctrine that a Synodical meeting of any kind by the Church in a Colony would be a misdemeanour under our Statute of Henry VIII — and this defect of course could not be cured by the simple operation of a Colonial Act. The Bill has been carefully framed to prevent any diminution of the power of local Legislatures in relation to the Church in common with other religious bodies.⁴⁴

As mentioned above, between 1850 and 1854, Gladstone made several attempts to get a Bill through the British parliament.⁴⁵ His efforts were thwarted by people changing

⁴⁰ Bp. of Toronto to Abp. of Canterbury, 7 June 1851. BL, *Gladstone Papers*, Add. 44567, ff. 101-103.

⁴¹ BL, *Gladstone Papers*, Add. 44372, f. 91.

⁴² Newcastle Diocese. *Reports* — Newcastle Church-Society 1851-1860. (Newcastle, 1852), pp. 7-8.

⁴³ The letters were over the signature 'F. H. D.'. *Colonial Church Chronicle*, vol IV, pp. 252-259, 293-300, 337-343; vol V, pp. 90-95.

⁴⁴ Gladstone to Denison, 30 January 1853. BL, *Gladstone Papers*, Add. 44528, f. 87.

⁴⁵ In addition to references given above, see BL, *Gladstone Papers*, Add. 44371, ff. 229-31, 261-262, 277-278; 44372, ff. 36-37, 122-123, 324; 44262, ff. 139-140; 44528, ff. 87, 92, 96, 107-

their minds. People reneged on assurances of support. There were changes of government, plus suspicion and fear in many quarters as to the possible effect which such legislation would have on the church in England itself. These factors all combined to prevent legislation being passed.

One of Gladstone's strongest critics was the Secretary of the Church Missionary Society, Henry Venn. Venn was an evangelical, who probably feared that Gladstone's Bills were attempts to promote tractarianism in the colonies. In reacting to Gladstone's 1850 Bill, he wrote a letter that was later published in pamphlet form.⁴⁶ He objected that Gladstone would allow a colonial church to go its own way and destroy the Royal Supremacy in the colonies. He claimed the Church of England was working well in those outposts, and claimed the Bill gave too much power to the colonial bishops, especially the power of excommunication.

In the following years Venn did some research on the situation in each colony, and in 1856 published a more substantial pamphlet.⁴⁷ He argued that each situation was unique, and required separate treatment, preferably through each colonial legislature. All that was needed at the imperial level was a Bill to enable a colonial church to call a local assembly to propose suitable legislation to their colonial parliaments.

Gladstone's unsuccessful attempts to secure legislation did aid the colonial church indirectly. They prompted debate on the issues. They led the Solicitor General, Richard Bethell, to the conclusion in 1854 that a colonial church could act for itself in the matter, without waiting for imperial legislation.⁴⁸ This indicated the eventual course of events — the colonial bishops went ahead and established synods to govern the dioceses.

Queensland 1859

By 1859 then, when Queensland was separated from New South Wales, the situation of the Church of England in the colonies was in a state of flux. The assumptions of the early decades of the century had been largely stripped away, leaving uncertainty and confusion. Anglicans in Queensland still acted sometimes as though their church, if not the established church of the colony, was at least in a quite different position from any other. In fact it was, but as later events were to show, while there were still some

108, 171, 181; 44529, f. 4, 102; 44527, f. 7; 44337, f. 102, 114, 139-142, 146-149; Burdett-Coutts Papers, vol. 2218, ff. 65-66.

⁴⁶ Henry Venn, *Colonial Church Legislation. A Letter to Sir Robert Henry Inglis* (London 1856).

⁴⁷ Henry Venn, *Colonial Church Legislation. An Enquiry* (London, 1856).

⁴⁸ Gladstone to Solicitor General, 19 October 1854. BL, *Gladstone Papers*, Add. 44527, f. 158.

elements of preferential treatment, there were ways in which the Church of England was disadvantaged by its relationship with the state.

By the time of Queensland's separation, it had become clear to most people in the denominations that any aid they had been receiving from the government would not be continued indefinitely. Remaining financial links with the state were going to become ever more tenuous. Community opinion in both Britain and the Australian colonies had moved steadily in the direction of an acceptance of religious pluralism and liberal democracy. For many people this meant the separation of the state from the church.

The nonconformist denominations in Britain had been freed of many of the restraints under which they had laboured previously, and it was inconceivable that their counterparts in the colonies would tolerate without protest a situation that allowed state involvement in the affairs of the church. Even within the Anglican church, especially amongst sections of the laity, there was a questioning of the basic concept of church establishment, whether it be a single or multiple establishment. Thus the evangelical Anglican *Church Sentinel* (Sydney) of 23 May 1859 complained of the role of the state in appointing the first Bishop of Brisbane:

The coolness with which it is announced that Sir Edward Bulwer Lytton has 'consented' to the creation of another new Bishopric in Australia, and has 'nominated' the first Bishop thereof, is remarkable enough. The whole affair amounts to this, that a successful writer of novels — many of them not distinguished by their moral tendency — whom accident has placed in the position of Secretary of State for the Colonies, is really acting as the 'conscience' of the Moreton Bay people, in the selection of their spiritual guide and overseer. Now we are quite at a loss to know by what right, legal or moral, Sir Bulwer Lytton nominates a Bishop over any portion of the members of the Anglican Church in Australia. He might, with equal reason, nominate the Roman Catholic Archbishop, or the Wesleyan General Superintendent, or the Presbyterian Moderator. We talk of religious equality as an absolute truth and reality in the Australian Colonies. Sir Bulwer Lytton's act goes far to show that our boasted 'religious equality' is a mere sham. ...⁴⁹

In similar vein, three days after it published that extract from the *Sentinel*, the editorial of the *Moreton Bay Courier* opposed any continuing state aid to the denominations:

if our fellow-colonists wish to live in peace with each other ... they will take care that the Parliament of Queensland does not interfere with religious liberties, by granting State aid to any denomination. ... we trust the people will remember the injustice of religious State grants.⁵⁰

In the same paper of that date appeared a letter signed by 'An Englishman' attacking bishops appointed by the state and supported by the state:

⁴⁹ Quoted in *Moreton Bay Courier*, 27 July, 1859. Daw suggests the *Sentinel* was motivated by a dispute it was having with Bishop Barker in Sydney. E. D. Daw, 'Church and State in Queensland: Aspects of Anglicanism in the 1860s', *Australian Journal of Politics and History*, December 1977, vol. XXIII, No. 3, pp. 360-372.

⁵⁰ MBC, 30 July, 1859.

Now is the time for the Voluntaryists in Queensland! No sooner will the Parliament be assembled than the priestly element will strive for power, and Religious grants will be one of the first questions discussed. ... I hold that truth is on the side of the Voluntaryists; and, giving full and perfect liberty to all men to worship the God of their fathers after their own fashion, while providing liberally for the secular education of our offspring, I ask the Voluntaryists to do their duty in the infant days of our young state.

The First Parliament

Candidates for election to the first Queensland parliament were expected to state their position on two key issues involving church-state relationships:

- (a) continuing aid to the denominations currently receiving it; and
- (b) continuing aid to private schools.

In his speech to the first parliament, Governor Bowen expressed the hope that, 'in the settlement of so vital an issue, ... you will be guided by no abstract theories, but by careful consideration of the peculiar circumstances and want of this country'.⁵¹ The honourable members paid heed to the theories of liberal democracy, religious pluralism, and voluntarism — also the practical point that the state's financial reserves were almost non-existent. The note of urgency in their deliberations may have come from the desire to have legislation enacted before Bishop Tufnell arrived!

Parliament, which included a significant number of Anglicans, in its first session cut off all future monetary aid to the denominations. The small number of subsidies currently being paid to several clergy would continue. The 'Bill to Discontinue Grants from the Revenue in Aid of Religion' was presented by the Premier, Robert Herbert,⁵² in early July 1860:

The Act of Council, 7 William IV. No. "3" and also so much of the Civil List annexed to the Order in Council of Her Most Gracious Majesty of 6th June 1859 as provides for the reservation to Her Majesty of the annual sum of one thousand pounds on account of Public Worship shall be and the same are hereby repealed Provided that all Ministers of Religion who at the time of the passing of the Act are in the receipt of Stipends paid by the Government shall so long as they reside and officiate within the Colony of Queensland be entitled to continue in receipt of such stipend ...⁵³

⁵¹ *Votes and Proceedings, 1860.*

⁵² Robert Herbert, 1831-1905, had a number of earlier associations in England which would have given him an appreciation of the situation of the Anglican church in Australia. As a scholar at Eton he had contact with Coleridge, Gladstone's friend. Coleridge was instrumental in securing for Herbert a short-term position of private secretary to Gladstone, so he would have been familiar with Gladstone's efforts to help the Anglican churches in the colonies. Knox comments that Herbert abolished aid to the churches 'to conform with what he perceived to be an Australian trend clearly visible in Queensland'. See Bruce Knox, *The Queensland Years of Robert Herbert, Premier: Letters and Papers* (St. Lucia, 1977), pp. 5-9, 21.

⁵³ Act 24 Vic. No. 3. *Votes and Proceedings, 1860*, p. 225.

The continuing amounts were quite small. For example, the 1858 figures were:

Church of England	— 2 in Brisbane	@	£143	p.a.
	— 7	@	£47	p.a.
Presbyterian	— 1 in Ipswich	@	£250	p.a.
Catholic	— 1 in Ipswich	@	£250	p.a.
	— 1 in Brisbane	@	£275	p.a.
		TOTAL	<u>£1390</u>	54

The Bill had its third reading on 24 July, when it was passed by sixteen votes to six. The Legislative Council passed it a few days later, without any strong opposition.

This action of the parliament did not mean, however, that it was anti-religious or anti-church. The majority of members were practising churchmen. The same parliament decided to open its sessions with prayer, and significantly, Bowen chose a prayer from *The Book of Common Prayer* for the purpose. He reported his action to London with great satisfaction, referring to the fact that the prayer was read by the President in the Council and by the Speaker in the Assembly. He also mentioned that a local paper had commented favourably on the decision. The paper expressed the hope that ‘it may be taken as an omen that we shall be saved from much of the faction that has disgraced our neighbours’. Bowen pointed out that a similar move in New South Wales had been unsuccessful.⁵⁵

Bishop Tufnell

When Tufnell arrived in Brisbane on 2 September 1860, the first Anglican bishop of the new colony, he was warmly welcomed by the Governor, George Bowen, and the Premier, Robert Herbert. Bowen accommodated him in Government House until a suitable residence could be found, a gesture not extended to the heads of other denominations. The Governor reported Tufnell’s arrival to London, and his Letters Patent were printed in the Government Gazette.⁵⁶ Bowen and many parliamentarians attended his installation two days after his arrival, but considering the smallness of the town at the time, that was not surprising. The Governor’s actions could be regarded as quite normal for a prominent Anglican layman. Yet, he might well have seen them as duties laid upon him as an officer of the crown in respect to the local bishop of the Church of England. Both Governor and bishop bore Letters Patent. Later on the same day the president of the Legislative Council presented an address of welcome in the

⁵⁴ MBC, 27 April 1859.

⁵⁵ Bowen to Newcastle, 28 September 1861. PRO, C.O. 234-4, ff. 352-353

⁵⁶ Bowen to Newcastle, 4 September 1860. PRO, C.O. 234-2, ff. 2-3.

presence of the Governor.⁵⁷ These and various similar incidents show that many Anglicans in the new colony still harboured traditional ways of thought and followed the habits of a lifetime.

Upon his arrival Tufnell quickly made it known that he was displeased with the decision of the parliament on state aid. The *Moreton Bay Courier* reported on 15 September, a week after his installation, that he had indicated his disagreement with the decision, and in an address at Ipswich on 30 September, he made his opposition clear. He had left England expecting state support for all denominations, in terms of the Church Acts still applying in New South Wales.⁵⁸ The decision was of serious concern to the bishop, as it made it more difficult to attract clergy from England without an assured stipend. It also conflicted with his theological convictions on the subject of church and state.

In 1864 a dispute arose between the bishop and the Anglican parish at Ipswich, on the question of the right to nominate a priest to the parish. The Ipswich laity, unlike the bishop, had not been influenced to any great extent by the Oxford Movement.⁵⁹ They did not want the type of priest they thought Tufnell would try to force on them. Tufnell insisted that nomination was his prerogative as bishop. The parishioners appealed to the Governor to settle the matter — evidence perhaps that they still thought of their church as the established church in the colony! Nor did the Governor show much greater awareness of the changed relationship. Instead of simply replying that it was no longer a matter for determination by the state, he referred the question to his attorney-general. Attorney-General Pring came to the unexpected conclusion that no legal power of appointment had been vested in the bishop by his Letters Patent, nor did the parish possess the right of appointment. In the attorney general's view,

If such a legal power exists anywhere it is to be found in the Governor, acting provisionally on behalf of the Crown, under that part of the 22nd clause of the Royal Instructions which runs as follows:— 'It is our pleasure that you do appoint provisionally and until our pleasure

⁵⁷ K. Rayner, 'The History of the Church of England in Queensland' (Ph.D. thesis, University of Queensland, 1962), p. 94

⁵⁸ MBC, 13 September, 4 October, 3 November 1860; See also E. D. Daw, 'Church and State in Queensland: Aspects of Anglicanism in the 1860s,' *Australian Journal of Politics and History* XXIII.3 (1977), p. 362.

⁵⁹ Throughout his episcopate Tufnell faced threats of schism and opposition from evangelical lay members who objected to the Tractarian influence coming into the diocese. Five of the six priests he had brought with him were Tractarians, and more followed. See H. J. Richards, 'Brisbane's First Bishop the Right Reverend Edward Wyndham Tufnell, M.A., D.D.,' *Queensland Heritage* 3.5 (1976), pp. 17-25; E. D. Daw, 'The Free Churches of England in Queensland,' *Queensland Heritage* 3.2 (1975), pp. 3-6; E. D. Daw, 'Church and State in Queensland: Aspects of Anglicanism in the 1860s,' *Australian Journal of Politics and History*, December 1977, XXIII.3, p. 363.

be known, to such spiritual cures as may from time to time become vacant'.⁶⁰

The attorney-general himself did not appreciate the significance of the changed circumstances. As Rayner comments, the instruction in the Governor's Letters Patent was a throwback to the period of establishment, and had simply been copied from earlier documents.⁶¹ Fortunately Bowen had the good sense not to act on this opinion, but wrote to the Colonial Secretary asking that legal opinion be tested in London. In due course Cardwell replied:

I agree with you in thinking it equitable that the clergyman should be appointed (subject of course to the usual Episcopal control) by those who furnish his stipend. But it does not rest with the Government to decide this case, and I think you are right to abstain from exercising any right of presentation in virtue of the 22nd Clause of your instructions which in fact *is not applicable to a Colony in which there is no State Endowment*. Your own course being thus clear the question at issue between the parishioners of Ipswich and the Bishop seems to be one in which it is not necessary for me to obtain any opinion from the legal Advisers of Her Majesty at home.⁶²

The extract indicates that Bowen personally shared the view of the Ipswich laity that they should be the ones to nominate their own clergy. That was in line with the long-standing tradition in the Anglican church that the provider of the stipend had that right. Whether the traditional practice was to apply in colonial situations was a question still to be decided.

The Colenso Decision

With a further letter of the same date, Cardwell included a copy of the decision of the Judicial Committee of the Privy Council in the Colenso case (see below).⁶³ That decision brought to a head the question of the legal position of colonial bishops. As indicated earlier, it had long been realised that in spite of their Letters Patent, the jurisdiction of bishops in the colonies was limited, if not completely ineffective. The Judicial Committee's decision confirmed that the Letters Patent issued by the Crown could not give powers of jurisdiction in colonies with independent legislatures. Cardwell assured Bowen that 'in consequence of that decision the question of Episcopal Jurisdiction in the Colonies has assumed increased importance and is at present occupying the serious attention of Her Majesty's government'.

⁶⁰ Bowen to Secretary of State for the Colonies, 1865, Dispatch no. 6. quoted in K. Rayner, 'The History of the Church of England in Queensland' (Ph.D. thesis, University of Queensland, 1962), p. 117.

⁶¹ K. Rayner, 'The History of the Church of England in Queensland' (Ph.D. thesis, University of Queensland, 1962), p. 117

⁶² Cardwell to Bowen, 26 April 1865. C.O.423-1, ff. 382-384. (emphasis added)

⁶³ C.O.423-1, ff. 384-385.

The 'Colenso case' arose when Bishop Gray of Capetown attempted to remove Bishop Colenso of Natal from that See because of alleged heresy. In June 1864, Colenso appealed to the Privy Council. The dispute raised three questions, stated by the Lord Chancellor when he delivered judgement the following March as follows:⁶⁴

In this state of things three principal questions arise, and have been argued before us: First, were the Letters Patent of the 8th of December, 1853, by which Dr. Gray was appointed Metropolitan, and a Metropolitan See or Province was expressed to be created, valid and good in law? Secondly, supposing the ecclesiastical relation of Metropolitan and Suffragan to have been created, was the grant of coercive authority and jurisdiction expressed by the Letters Patent to be thereby made to the Metropolitan valid and good in law? Thirdly, can the oath of canonical obedience taken by the Appellant to the Bishop of Capetown, and his consent to accept his See as part of the Metropolitan Province of Cape Town, confer any jurisdiction or authority on the Bishop of Cape Town by which this sentence of deprivation of the Bishopric can be supported?

...

With respect to the first question, we apprehend it to be clear, upon principle, that after the establishment of an independent Legislature in the Settlements of the Cape of Good Hope and Natal, there was no power in the Crown by virtue of its Prerogative (for these Letters Patent were not granted under the provisions of any Statute) to establish a Metropolitan See or Province, or to create an Ecclesiastical Corporation whose *status*, rights, and authority the colony could be required to recognize.

The Crown as legal Head of the Church had a right to command the consecration of a Bishop, but had no power to assign him any diocese, or give him any sphere of action within the United Kingdom. The United Church of England and Ireland was not a part of the Constitution in any Colonial Settlement, nor could its authorities or those who bear office in it claim to be recognised by the law of the Colony, otherwise than as the members of a voluntary association. Consequently, the Letters Patent of the Crown would not constitute a Bishopric and confer ecclesiastical jurisdiction where a Colony was possessed of an independent legislature.

On the matter of coercive authority and jurisdiction, the Judicial Committee's ruling followed the same line of reasoning, that the Letters Patent did not confer any jurisdiction or coercive legal authority upon the Metropolitan over the Suffragan Bishops, or over any other person:

It cannot be said that any ecclesiastical tribunal or jurisdiction is required in any Colony or Settlement where there is no established Church, and in the case of a settled Colony the Ecclesiastical Law of England cannot, for the same reason, be treated as part of the law which the settlers carried with them from the mother country.

While acknowledging that a bishop may have pastoral or spiritual authority, their

⁶⁴ The Appeal was heard by the Lord Chancellor (Lord Westbury), Lord Cranworth, Lord Kingsdown, the Master of the Rolls (Sir John Romilly), and the Right Hon. Dr. Lushington. For the text of the arguments and the judgement, see *The English Reports: Volume XVI: Privy Council V, containing Moore. P.C., N.S. Volumes 3 to 6* (London, Stevens & Sons, 1902), pp. 43-59.

Lordships judgement was that 'suspension or privation of office is matter of coercive legal jurisdiction, and not of mere spiritual authority'.

Regarding the matter of oaths of canonical obedience, the judgement stated that even if the parties had intended to enter into any such agreement, the Bishop of Natal was not legally competent to give, nor the Bishop of Capetown to accept or exercise, any such jurisdiction.

The decision restored Bishop Colenso to his See in Natal, from which the Bishop of Capetown had deprived him of his rights on account of the alleged heresy.

Their Lordships will humbly report to Her Majesty their judgment and opinion that the proceedings taken by the Bishop of Capetown and the judgment or sentence pronounced by him against the Bishop of Natal, are null and void in law.

The Judicial Committee's judgement caused consternation in many colonial branches of the Church of England. The judgement had not been based on any theological issues involved, but on the perceived lack of coercive jurisdiction possessed by the Bishop of Capetown. In short, his Letters Patent were null and void to the extent that they purported to give such jurisdiction over the diocese and the province, when South Africa by then had an independent legislature. He could not deprive his Suffragan of his use of the properties and material resources of the diocese of Natal.

The ruling meant that a similar situation applied in all colonies with independent legislatures, such as Queensland. Colonial bishops were left in a considerable quandary by the decision.⁶⁵ Tufnell tried to circumvent it by arguing that because his Letters Patent were granted on 6 June 1859, before there was a colonial legislature in Queensland, they were effective.⁶⁶ His argument did not prevail, and he was left in the same position as most of the other colonial bishops.

Tufnell had come to Brisbane armed with two sources of authority. On the one hand there was the authority given by the Letters Patent purporting to give him powers of jurisdiction over his flock within the geographically prescribed diocese. On the other

⁶⁵ It caused the English benefactress, Burdett-Coutts, to take urgent legal advice on whether she could reclaim any of the considerable sums she had given for the establishment of bishoprics in the colonies, as there was now no guarantee they would remain within the Anglican communion. See Kay-Shuttleworth to Burdett-Coutts, 12 April 1865, LP, *Burdett-Coutts Papers*, Vol. 1380, ff. 8-11. She threatened to withdraw endowments unless parliament passed legislation amending the situation. See Burdett-Coutts to Archbishop of Canterbury, 12 July 1865, LP, *Burdett-Coutts Papers*, Vol. 1383, ff. 24-28. Adelaide was the only Australian diocese which had benefited.

⁶⁶ Tufnell to Hawkins (Colonial Bishoprics Fund), 28 April 1866. Colonial Bishoprics Fund, Letter Book, vol II, ff. 117-118.

hand there was the spiritual authority given him within the church by his episcopal consecration. The decision of the Judicial Committee in the Colenso case had declared the first to be null and void so far as temporal matters were concerned. That had the practical effect of leaving the diocese without any authoritative legal form of internal administration and government at its central point. The Church Act of 1837, commonly known in the latter part of the century as 'Bourke's Act', might still have provided some sort of framework, but it was inadequate for the emerging situation.⁶⁷

The Brisbane Synod

The establishment of constitutional government for the diocese was an urgent matter. Some of the other colonial dioceses had already moved in that direction, so it was not a case of Brisbane having to break new ground. The bishop called together a conference of the clergy and representative laymen. Amongst the lay delegates were several eminent citizens, including the president of the Legislative Council, Chief Justice Cockle, Justice Lutwyche, and W. T. Blakeney MLA.⁶⁸

The conference met in Brisbane for three days from 4 to 6 September 1867, and eventually decided to establish synodical government for the diocese. This could be done either by way of a consensual compact between the members of the church, or by enabling legislation passed by the Queensland parliament. Both methods had precedents in the other colonies.⁶⁹

In his opening address to the Conference, Tufnell stressed the spiritual authority of a bishop:

In constituting a Synod, you, my brethren, are not giving his jurisdiction to the bishop. We do not ask you to create him, but to share with him a power already his.

At the same time, he made it clear he was not wishing to act as an autocrat:

As Bishop of this diocese, I desire to organize and administer the diocese in and through the wisdom and authority of the Synod. The Bishop cannot act without the consent of the clergy and the laity; the clergy without the consent of laity and bishop; the laity without the consent

⁶⁷ *Act 8 William IV, No. 5. An Act to regulate the temporal affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales, and Act 21 Victoria, No. 4, an Act to amend the Act passed in the eighth year of his late Majesty King William the Fourth.*

⁶⁸ Sir James Cockle (1819-1895) was Chief Justice from 1863 to 1879. He had been nominated from England at the request of the Queensland government, which had rejected Lutwyche for the position.

⁶⁹ *Abstract of Minutes and Proceedings of the Conference of the Bishop, Clergy, and Lay Delegates of the Branch of the United Church of England and Ireland, in the Diocese of Brisbane, in the Colony of Queensland, Assembled in Brisbane on the 4th, 5th, & 6th September, 1867 (Brisbane, 1867).*

of bishop and clergy.⁷⁰

Tufnell's address shows the influence of the Oxford Movement, with its emphasis on the supra-human origin of the church and its consequent right to independence from the state.⁷¹ In keeping with that emphasis Tufnell favoured establishing the synod on the basis of a consensual compact between all the members of the church. That would avoid any impression that the constitutional framework for the diocese was being granted by the state:

[The] Church at home is at once national and catholic — the Church in the colonies is catholic but not national. Catholicity is of the essence of the Church — its nationality or establishment is an accident. The Church at home is a part and parcel of the British constitution — in the colonies it is a voluntary association; as such it desires to be regarded, and claims to be in no better or worse position than any other religious denomination; and if the Presbyterian, or Wesleyan, or any other religious body, are able, without legislative enactment, to organize themselves, I can see no reason why, if after mature consideration such a course is considered to be the most expedient, the Church is not able to do likewise.⁷²

On a motion moved by Justice Lutwyche, the decision of the Conference accorded with his wishes.⁷³ At the same time it was recognised that it might become expedient later to ask the Queensland legislature for an Act to cover the temporal affairs of the diocese. The first synod met the following year in May 1868.

When Tufnell first arrived in Brisbane in 1860, he was displeased at the legislative action that had deprived the diocese of financial support from the state. By 1868, however, he had come to appreciate some of the benefits that flowed from that denial of state funding. In his second address to the first synod on 9 June 1868 he said,

[T]he Church in this Colony is not established by law or connected with the State. Its catholicity being of the essence of the Church, its nationality or establishment is no

⁷⁰ *Abstract of Minutes and Proceedings of the Conference of the Bishop, Clergy, and Lay Delegates of the Branch of the United Church of England and Ireland, in the Diocese of Brisbane, in the Colony of Queensland, Assembled in Brisbane on the 4th, 5th, & 6th September, 1867* (Brisbane, 1867), pp. 5-6.

⁷¹ See ch. 1, pp. 25-26 for the origins of the Oxford Movement.

⁷² *Abstract of Minutes and Proceedings of the Conference of the Bishop, Clergy, and Lay Delegates of the Branch of the United Church of England and Ireland, in the Diocese of Brisbane, in the Colony of Queensland, Assembled in Brisbane on the 4th, 5th, & 6th September, 1867* (Brisbane, 1867), p. 7. Daw suggests that the preference for a consensual compact may have stemmed from the unsavoury memories of the debate on the 1865 Bill, when, in Tufnell's absence, an attempt was made in the parliament to give the laity full control of church funds and property. (see below, p. 101, n. 38). See E. D. Daw, 'Church and State in Queensland: Aspects of Anglicanism in the 1860s,' *Australian Journal of Politics and History*, December 1977, Vol XXIII, No. 3, pp. 365-370, and 'Synodical Government for the Church of England in N.S.W.: the First Attempt,' *The Journal of Religious History* 6.2 (1970), 151-176.

⁷³ *Abstract of Minutes and Proceedings of the Conference of the Bishop, Clergy, and Lay Delegates of the Branch of the United Church of England and Ireland, in the Diocese of Brisbane, in the Colony of Queensland, Assembled in Brisbane on the 4th, 5th, & 6th September, 1867* (Brisbane, 1867), p. 9.

[sic].accident.⁷⁴ It is a voluntary association, and claims to be, in the eye of the law, in no worse or better position than any other religious denomination. With its non-connection with the State, whilst it loses certain advantages, it obtains greater liberty and freedom of action than is accorded to the Church in the mother country. But we desire that this liberty should not degenerate into license; *we desire to continue members of the United Church of England and Ireland — the Church of our fathers*; hence we desire to solemnly and deliberately accept a Constitution which shall embrace the doctrines and, so far as it is applicable to a Church not connected with the State, acknowledge the discipline of the Church of England.⁷⁵

Again in his address to the synod in May 1869 he said,

... whilst I regret the abolition of State-aid, not so much on account of detriment to the Church as from loss which I believe hence arises to the State, I do not desire its re-imposition.⁷⁶

Probably the vast majority of the members of the diocese shared the desire of the bishop to continue to be part of the Church of England and Ireland. That intention tested the imaginative insight of the ecclesiastical lawyers in the decades ahead. It was a new and untried situation, and no one was certain that it was possible for the members of a voluntary association in a remote land to continue to be members of the established church in England and Ireland.

The Synod Constitution

The Constitution adopted at that first Synod contained several provisions designed to ensure that Queensland Anglicans remained part of the mother church. The Preamble stated,

that the members of the United Church of England and Ireland in the Diocese of Brisbane should be associated together as a Branch of the said United Church ... And ... it is desirable that members of the said Church should, so far as they lawfully may, associate themselves together by voluntary compact, as a Branch of the United Church ...

Following the Preamble, the Constitution was divided into 'Fundamental Provisions' and 'Provisions Not Fundamental'. The first of the former sought to bind the Brisbane Diocese firmly to the doctrinal position held by the mother church.

This Branch of the United Church of England and Ireland in the Diocese of Brisbane, doth hold and maintain the doctrine and sacraments of Christ, as the Lord hath commanded, and as the said United Church of England and Ireland doth receive the same, together with the Holy Scriptures and the book known as The Book of Common Prayer, and administration of the Sacraments, and other rites and ceremonies of the Church, according to the usage of the Church of England.

Further clauses permitted the Church in Brisbane to accept any changes adopted by the

⁷⁴ This is an obvious misprint. The similar passage in his address to the conference in 1867 given on p. 87 suggests it should probably read 'an' in place of 'no'.

⁷⁵ *Proceedings of Synod*, 1868, pp. 26-27 (emphasis added).

⁷⁶ *Proceedings of Synod*, 1869, p. 4.

mother Church, and provided that all disputes in doctrinal matters would be settled by reference to the mother church and/or the crown. Bishops of the Diocese were to be required to sign a declaration committing themselves to teach and maintain the doctrine and discipline of the mother church; Clergy, School Masters, Lay Readers, and all officers of the Diocese were required to teach the same. All Clergy and other synod agents to give written submission to the synod thus constituted. Though not part of the Constitution, it was enacted by the second synod in 1869 that all synodsmen should sign a similar undertaking before being allowed to take part in proceedings.⁷⁷

In the light of the above, it is difficult to follow the reasoning of the Rev. B. R. Wilson when he wrote in June, 1889:

The Australian Church is a perfectly autonomous body, bound by no legislative ties to the State, ... The Australian Church could revise the Prayer-Book, revive Minor Orders, appoint its own Archbishop ...⁷⁸

On both counts Wilson was mistaken. He either forgot, or more probably, never appreciated, the degree to which the constitution adopted in 1868 had tied the diocese in doctrine and worship to the mother church in England.

It was thought that there remained only one further legal step to be taken to complete the process. The Church Act of 1837, designed to regulate the internal affairs of the Anglican church, was still in force in Queensland. A first step towards its repeal came at the synod of 1869, when resolution was passed requesting the diocesan council to inquire into the desirability of petitioning the legislature to repeal both it and the amending Act 21 Victoria, No. 4.⁷⁹ From that point the matter moved forward in a very desultory manner, indicating a lack of urgency. In an address to the third synod in 1872, Tufnell referred to it as a subject 'which will require mature and careful consideration'.⁸⁰ 'Mature and careful' were the operative words. Many Synods passed before the Acts were eventually replaced by *The Church of England Act of 1895*. Commenting then on the passage of the new Act, the *Chronicle* said,

Did the Act provide for nothing else but the laying of that respectable "bogey," Bourke's Act,

⁷⁷ *Proceedings of Synod*, 1869, p. 20. At some later stage, apparently, an oath of allegiance to the sovereign was imposed on all clergy in the diocese, as given, for example, in the Year Book of the Diocese of Brisbane, 1890, p. 43: 'I, ____ do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, according to law. So help me God'. Synod Minutes do not reveal when the addition was made. See *Proceedings of Synod*, 1868, pp. 33-38 for the full text of the Constitution.

⁷⁸ *Parish Chronicle*, June 1889, pp. 3-4. This paper, published by the parish of St. John's, was the nearest thing to a diocesan paper at the time.

⁷⁹ *Proceedings of Synod*, 1869, p. 11.

⁸⁰ *Proceedings of Synod*, 1872, p. 6.

which has been so often trotted out in Synod to frighten members, we ought to be grateful. The last link (if it really existed) of Erastianism has been snapped; and we sincerely hope that, now Synod is unfettered, it will take care to preserve its independence in future.⁸¹

The Act provided the legal basis for the church to hold its property and deal with its temporal affairs.

THE NEXUS

This then was the situation of the Anglican church in Queensland through the nineteenth century and well into the twentieth. On the one hand the church had been disestablished so far as the state in Queensland was concerned. On the other hand, however, the desire of Anglicans to maintain their membership of the mother church in England was binding them to the British parliament in all matters of doctrine and worship. As Donaldson put it in June 1912,

As a non-established Church we are part of the English Establishment, bound by its fetters, though without any privileges which establishment might bring.⁸²

Frodsham put it even more bluntly,

The claim that we are an integral part of the Church of England in England has reduced our Church law to chaos. ... The fact is, we have been tied, or we have tied ourselves, to a system of law which is every day becoming more and more inapplicable to Australian needs. We are building a Church upon the sands of fancy and make believe ...⁸³

This situation was to continue virtually unchanged until the mid-twentieth century. It was a paradoxical situation. Until the colonial government was completely independent of the British government, then in spite of the apparent disestablishment of the Anglican church in Queensland, there was still a link, albeit an indirect one, with the state in Queensland. By way of the church's link with Canterbury and through it with the parliament and crown in England, and then through those bodies back to the parliament and Governor in Queensland, a link still existed. These were self-inflicted legal bonds.

It also meant that on the Queensland scene there were two bodies having a direct link with the British crown. The Governor of the colony was the monarch's appointed representative. The Anglican church and its bishops claimed to be part of the church that acknowledged the same monarch as its earthly governor. It was natural, even if paradoxical, that in such a situation the Governors should take more than a passing interest in the affairs of the Anglican church.⁸⁴

⁸¹ Church Chronicle, 1 November 1895, p. 8.

⁸² *Proceedings of Synod*, June 1912, p. 19 (emphasis in original).

⁸³ *Proceedings of Queensland Provincial Synod*, September 1912, pp. 4-5, (emphasis in original).

⁸⁴ An example of this was Governor MacGregor to Colonial Secretary, 28 October 1910

On the positive side, this nexus with the mother church did give the colonial church the opportunity on occasions to bring pressure on the Queensland government. That happened in the dispute over the recruitment of Kanaka labourers for employment on Queensland cane-farms. The outcry over the killing of Bishop Patteson on 20 September 1871 on the island of Nakapu resounded through church avenues to the British parliament. It is difficult to believe that it did not play a part in the pressure that caused the Queensland parliament eventually to regulate the traffic. George Selwyn, by then bishop of Lichfield, wrote, 'The interests of religion and humanity demand the intervention of Her Majesty's Government'.⁸⁵

Increasingly, however, the nexus with the mother church was seen as a negative factor, an unnecessary restriction impeding the work of the Anglican church in Queensland. It was self-imposed, a direct result of the 1868 constitution. It would have been almost impossible to remove, given the sentiment of the great majority of Queensland Anglicans towards the church in England. The Queensland parliament was unlikely to have given approval for the necessary changes that would have had to be made to the constitutions of the various dioceses, by then engraved in the stone of legal enactments.

(telegram), PRO, C.O. 418-81, ff. 243-244, reporting the consecration of cathedral of St. John the Evangelist. In f. 244, a cutting from *The Times* reads as follows:

THE KING AND BRISBANE CATHEDRAL

October 31st 1910.

Brisbane Cathedral was consecrated on Saturday. The King sent the following telegram to the Archbishop: - 'My thoughts are with you today when the Cathedral is consecrated. I rejoice that the work, the foundation of which I laid, is completed.' It was in 1901 that their present Majesties, then the Duke and Duchess of Cornwall and York, visited Brisbane [and] ... occurred the event to which His Majesty's telegram refers ...

85 Selwyn (then Bishop of Lichfield) to Gladstone, 27 November 1871. BL, *Gladstone Papers*, Add. 44299, ff. 175-176. Patteson was the nephew of Coleridge of Eton, the lifelong friend of Gladstone. ff. 177-180 contain a long Memorandum from Patteson to General Synod, 11 January 1871, attacking the traffic, which he compares to the African slave trade. He asserts it is impossible to explain 'contracts' to natives. Trust has been replaced with hostility. 'Imperial Legislation is required to put an end to this miserable state of things.' He had earlier communicated his views to Sir George Bowen in a letter dated 4 July 1870. LP, *Tait Papers*, vol. 186, f. 162. In the same vein, following the death of Patteson, an Address was sent from the House of Representatives in New Zealand to the Queen, calling for Imperial legislation, and an Address from the Synod of Christchurch went to the Archbishop of Canterbury, blaming Patteson's killing on the kidnapping of natives to work in Australia. An article in the *Lyttleton Times* on 6 November 1871 stated that for the past 16 years, Patteson had made annual visits to the island where he was killed, and blamed the British government for what had happened — it had been informed years earlier of what was happening, but had done nothing to stop the trade. A letter to the Archbishop from Robert Short of Rushworth, Victoria, on 4 December 1871 tells of the great indignation throughout Australia, and the loud demands for the suppression of the traffic. He hoped that opinion in England would demand instant suppression. On 19 January 1872 the Society for the Propagation of the Gospel petitioned both houses of the British parliament for an inquiry, and 'further steps to relieve Great Britain and other Christian and civilized nations from the disgrace entailed by such atrocious acts'. On 11 July 1872 a letter from H. J. Holland (Downing Street) informed the archbishop that the British parliament had passed an Act for the protection of the Pacific islanders. LP, *Tait Papers*, vol. 186, ff. 134-138, 155-156, 159, 162.

Reviewing the situation in his presidential address to the provincial synod in 1909, Donaldson commented,

the result is to bind us hand and foot to every decision, present or future, of the English Courts. Thus the first step, in order to realise our great idea of a Church of Australia, is to get alterations of these legal enactments to enable us to legislate for ourselves without the bridle of the English Church law.⁸⁶

In this, however, Donaldson was decades ahead of his time. The provincial synod did ask its standing committee to prepare a draft Bill for submission first to the diocesan synods throughout Queensland. While Donaldson threw his full weight behind the draft when it came before the Brisbane synod in 1911, a decision was first deferred to the following year. It was then referred back to the provincial synod with a request for wider consultation throughout the Australian church.

In addition to opposition in his own synod, Donaldson was aware that the strongest opposition of all would come from Sydney. Writing to the Archbishop of Canterbury after the general synod in 1905, he said, ‘... But there is strong opposition to it here. The Sydney party clings tenaciously to the Privy Council, fearing the Romanising tendencies: and Bendigo and Gippsland spoke strongly on that side ...’⁸⁷

Commenting on the opinions of counsel which had been reported to the provincial synod in 1909 and the debate which ensued, the editorial in the *Chronicle* of November that year said:

It is sometimes supposed that the Australian Church is an independent and autonomous Church, ... Even so well informed a paper as the *English Record*, one of the leading Church papers in the old country, recently spoke of the Church in Australia as possessing “practically complete autonomy.” But if any of us have been cherishing this idea, the Report and its discussion have dissipated it forever. The fact is that the Church in Australia is not free and is not self-governing.

It is well that the exact position should be understood and pondered by Churchmen. The trouble (like many other troubles) springs from the fact that the Church requires money wherewith to carry on her work. For the Law naturally and justly requires that money which has been given or bequeathed for a particular object shall be devoted to that object and no other. ... This point was put with the greatest clearness by Lord Halsbury in the recent famous case by which the property belonging to the Free Kirk of Scotland was handed over to a tiny minority of the members of that Kirk, because all the other members had taken a step which involved a departure from the doctrinal standard of the Kirk, and so constituted a breach of trust in the eyes of the Law. ...

The bearing of this on our position in Australia is obvious. The Church came to Australia as a recognized branch of the Church of England, and it exists upon funds subscribed on that understanding. ... The Church of England is a definite body with a definite and easily recognized doctrine and discipline of its own. That doctrine and discipline are to be found set out in the Book of Common Prayer, the Thirty-Nine Articles of Religion, and certain Acts of Parliament. ... We have ... no power to alter by one hair’s breadth the system of the Church

⁸⁶ *Proceedings of Queensland Provincial Synod*, 1909, p. 16.

⁸⁷ Donaldson to Davidson, 17 October 1905. LP, *Davidson Papers*. Box ‘Australia 1905-11’.

of England as it exists in England ...⁸⁸

As trustee for monies given for a particular purpose, the Anglican church could not change those purposes of its own accord without putting at risk all its properties, investments, and the like.

The outbreak of the War was to lead to other concerns taking up the attention of the church for the next few years, with the question of the nexus pushed to the periphery. Thus the issues that had confronted Tufnell in the 1860s, which it was thought at the time would be resolved by the establishment of synodical government in the church, were not resolved until the middle of the twentieth century. Because of the constitution adopted in Brisbane in 1868, synodical government as such did not break that tie between Queensland Anglicans and the mother church, the English establishment, and the British government — the ‘nexus’ continued. It was 1962 before a constitution was adopted for the whole of the Australian Anglican church, which finally cut the formal ties with the English church.

CONCLUSION

In the early twentieth century, the ‘nexus’ appeared as an inhibiting factor in the church’s life. Negative factors seemed to outweigh any advantages it brought. This led to the decision of the general synod in 1905 to seek counsels’ opinion on the legal status of the Australian dioceses. The opinions disclosed the highly paradoxical position of a church that had been disestablished in Australia — it was no longer ‘by law established’; it no longer received financial support from the state. Yet by its own actions it had bound itself to its mother-church, the established church in England. There was a legal link between the Anglican church in Australia and Canterbury, and through Canterbury with the British crown and parliament. And because there were surviving links between the monarchy and its appointed representatives in Australia, and between the imperial government and its Australian counterparts, the Anglican church in Australia retained indirect links with the state.

It meant that while in Queensland the parliament had discontinued aid to all the denominations equally, the Anglican church was left in a different position compared to all the other denominations. There were vestiges of establishment which worked to both the advantage and the disadvantage of Anglicans.

In the early decades of the twentieth century, Anglican leaders were conscious only of

⁸⁸ *Church Chronicle*, 1 November 1909, p. 346.

the disadvantages — especially their lack of freedom to adapt their church to Australian conditions. But in the earlier decades of the Queensland church's life, the close relationship with the state, even though it was of a fairly informal kind, was sometimes of positive assistance. Ready contact with Governors and political figures had definite value. And as indicated earlier, in the case of the Kanaka traffic, the 'nexus' gave the church an effective voice in London which it would otherwise have lacked (see above page 90, note 85).

To break that nexus without risking the loss of all Anglican property required enabling legislation to be passed by all state and federal parliaments. Differences of outlook within the Anglican family in Australia, however, meant that another half-century passed before that became possible.

Chapter 4

THE CHURCH AND EDUCATION

The point, of course, is that religion and education have overlapping interests, common territories. Thus it should not be surprising to discover that in most Western civilization, to say nothing of primitive or folk societies, the forces of religion and education have ... made common cause and pursued common goals. ... The ancient Hebrews would have had difficulty separating the religious from the political, or either of these from the educational. Ancient Greeks ... would also see such efforts of compartmentalization as irrelevant, perhaps perverse.¹

Gaustad points out that both streams, the hebraic and the hellenic, flowed into Christianity. The church, from early to modern times, held religion and education together. Even through the turmoil of the Reformation era:

A basic assumption concerning social and political order nonetheless survived: namely, that no state could exist without its official church, and that no official church could exist without its sure control over education. ... [An] historical perspective on the theme, 'Religion, the State, and Education', would suggest that secularity and separation are relatively recent, disturbingly novel notions.²

INTRODUCTION

With that long tradition behind him, Tufnell assumed that the Anglican church would be playing a leading role in the education of the colony's children. From medieval times, the church in England had been responsible for education, with only limited exceptions. However, he found the situation in Queensland was very different. There was the greater presence of Catholic immigrants clamouring for their due place in society. Presbyterians were proportionately far more numerous than in England, and they had also come from a state church. There were the several dissenting denominations of English origin, the Baptists and Congregationalists, and the rapidly growing Methodists — very active, and ideologically opposed to state aid.

The political climate in the young colony was markedly different, with strong opinions of a liberal and sometimes radical slant present right across the denominations. The American and French revolutions and their aftermaths had had considerable impact in the colony. It was clear even before separation from New South Wales that the trend towards liberal democracy and secularism would probably move at a faster pace in the fluidity of Queensland politics, where options on a range of issues would be wide open.

¹ E. S. Gaustad, 'Church, State, and Education in Historical Perspective', *Journal of Church and State* 26.1 (1984), p. 18.

² *ibid.*, p. 20.

In 1859 the Church of England had six schools in Queensland, with the teaching performed by the clergy or their appointees. The schools were small and primitive, but it was a beginning Tufnell hoped would develop into a comprehensive system. He believed it essential that the church take responsibility for the education of its own children if Anglican children were to grow into Anglican adults. Education must include spiritual and dogmatic dimensions, integrated with secular subjects.³

Tufnell believed it natural and right that the state should provide material support for the church schools. It was too late in the day for him to argue that such aid should be restricted to Anglican schools (see above, chapter 2), but he was determined the state should meet its obligations.

The Catholic bishop, James Quinn, inherited four schools, which by the end of the decade had increased to twenty-eight, plus four convents and one teacher-training institution.⁴ By 1878 these had increased to thirty-three schools, one college, twenty convents, plus two industrial schools.⁵

Quinn's views on the church's role in education went further than Tufnell's. It was not simply a matter of time given to the teaching of Catholic doctrine. The school must provide a total Catholic environment in which the children would develop:

The school was to be 'wholly religious', not by the fact that a great part, or even a small part, of the day was to be given to direct religious instruction, but by the whole 'nature of its habits and surroundings'.⁶

Quinn looked to the religious orders as the best source of suitable teachers, and had brought a number of Sisters of Mercy with him, with more to follow. Also accompanying him were three French Assumptionist priests, replaced in the 1870s by Christian Brothers.⁷ To make up the numbers, teachers trained in Ireland under the Irish National System were brought out under the Government's immigration program.⁸

3 '... believing, as we do, religion to be a most important element in the education of the young, we cannot conscientiously avail ourselves of a system from which it is practically excluded, and as we contribute our quota to the revenue of the colony, if a system of general education is maintained at the public expense we ask (I think not unreasonably) that it may be a system in the benefits of which all can participate'. *Queensland Daily Guardian*, 28 April 1863.

4 Yvonne M. McLay, *James Quinn: First Catholic Bishop of Brisbane* (Armadale, 1979), pp. 47-48. See also M. X. O'Donoghue, *Mother Vincent Whitty*, (Carlton, 1972), pp. 56-57.

5 *ibid.*, p. 51.

6 R. Fogarty, *Catholic Education in Australia 1806-1950*, vol. I (Melbourne, Melbourne University Press, 1959) pp. 181-2. The quotes are from Quinn's Pastoral Letter from the 1869 Provincial Synod.

7 *ibid.*, vol. II, p. 266.

8 *ibid.*, vol. I, p. 86. Also McLay, pp. 51-52.

DUAL SYSTEMS

Opposed to the hopes of Quinn and Tufnell and equally determined were liberals and secularists eager to see a state system established. There was the opposition from the smaller dissenting denominations. Queensland Congregationalists argued for 'free, secular education, both primary and secondary'.⁹ They were acting partly on principle, but sectarianism was also involved. They feared that the main beneficiaries of any system of state-aid to education would be the Catholics and Anglicans, and to frustrate the intentions of Rome was a prime concern.

The educational issue was before the public in the period leading to the election of the first parliament in 1860. Candidates made obligatory references in policy statements,¹⁰ and it was one of the first matters before parliament when it assembled.¹¹ Tufnell at that stage had not arrived on the scene, and many in his church, including some of the clergy, did not share his views.¹² Evidence given to the Royal Commission inquiring into the denominational schools in the mid-1870s suggested that Anglicans would have been satisfied 'to have the secular system carried out in its entirety'.¹³

While Quinn had the support of the majority of the Catholic laity, there were a few, described by McLay as 'Liberal Catholic', such as Randal MacDonnell, the first Inspector for the National School Board, and Patrick O'Sullivan, the first Catholic member of parliament, who opposed him on the educational issue.¹⁴

The government established the dual system of 'vested' and 'non-vested' schools,

⁹ Evidence from Congregational Union (Qld.) to the Royal Commission 1875. See R. Fogarty, *Catholic Education in Australia 1806-1950*, vol. I (Melbourne, 1959), p. 122. This was a shift in the secular direction beyond opinions expressed in England in 1849, where Congregationalists had argued 'that the state, being incompetent to interfere with religion, was also incompetent to interfere with education, since the two were indissolubly united'. *Report of Congregational Board of Education, 1848-9*, p. 7, quoted in Fogarty, *ibid.*, p. 119.

¹⁰ The *Courier*, during the months preceding the election of the first parliament in 1860, carried numerous election speeches and advertisements. The *Courier* itself came out strongly against the continuance of state aid to religion, urging electors to vote for supporters of voluntarism. See *Courier*, 22 March, 12 May 1860.

¹¹ See P.C. Gawne, 'State Aid to Religion and Primary Education in Queensland, 1860,' *Journal of Religious History* 9.1 (1976), pp. 50-64, for a detailed account of the parliamentary manoeuvring which led to the two Acts which abolished direct aid to the denominations and established a national system of primary education.

¹² See *Courier*, 31 January 1860 and 23 February 1860, letters from Revd. C. Ogg advocating National System of Education. The *Courier* reported later that the 'prelatical authority [of Tufnell] was openly and avowedly flouted by influential members of his own church'. *Courier*, 12 January 1861.

¹³ Fogarty, *ibid.*, p. 133.

¹⁴ Yvonne M. McLay, *James Quinn: First Catholic Bishop of Brisbane* (Armadale, 1979), pp. 108-9.

under a single Board of General Education.¹⁵ Under the direction of the Board the non-vested schools would receive aid, though never sufficient to cover their total costs.¹⁶

Early Controversies

Friction arose almost from the beginning. The Board was given considerable latitude in framing the Regulations that set the conditions that the non-vested schools must meet to receive aid. If the Board was unfavourably inclined towards denominational schools, it could easily apply pressure such as would cause those schools to leave the system.

The danger showed itself in the first few months of the Board's operations. The government attempted to copy the New South Wales system, including the Regulations. However, whereas in that state the Board had no control over church school buildings outside school hours, that was not so in Queensland. In December 1860 the Board decreed that public worship could not be conducted in any aided school building.¹⁷ As many of the buildings were also used for services of worship, this would have forced the closure of many church schools. The public outcry forced the Government to intervene and disallow the Regulation. By February of 1861 there was a new Regulation in place similar to the one in New South Wales.

Another Regulation made it difficult for the non-vested schools by not permitting them to interrupt the flow of teaching of secular subjects with doctrinal lessons. Those had to be given either before or after the specified school hours.¹⁸ The ostensible reason was to avoid inconveniencing children of parents who objected to the doctrinal content, but many saw it as a further indication of the Board's negative attitude towards the denominational schools. The Board informed Tufnell in 1862 that the aided schools would be known as 'Non-Vested National Schools' — that is, not denominational schools.¹⁹

The Anglicans attempted to accommodate themselves to the situation, even though it meant that many of their children would not receive any religious instruction. The Catholics decided that they could not accept aid under those conditions and continued

¹⁵ This was a departure from the pattern in New South Wales, where two separate Boards, one for vested and another for the non-vested schools, had caused problems.

¹⁶ Act, 24 Vic., vi, c. 2.

¹⁷ *Votes and Proceedings, Legislative Assembly*, 1861, pp. 56-60. Rigney to Select Committee. It was alleged that that first Board was predominantly nonconformist.

¹⁸ *Queensland Government Gazette*, 1861, p. 86.

¹⁹ Board to Tufnell, 3 October 1862. *Queensland Parliamentary Papers*, 1874, II, p. 277.

without it.²⁰

Two further points at issue were:

(a) would aid be restricted to private schools in existence at the time of separation? and

(b) would a non-vested school in close proximity to a vested school be eligible?

Aid was refused to several Anglican schools on this latter ground. If the attitude of the original Board was to prevail, then the outlook for the non-vested schools was bleak. The Board saw the dual system as an interim measure, with the number of non-vested schools being reduced as the state system became established.

The Board and the Anglican and Catholic churches were on a collision course. By May of 1861 Tufnell had collected a considerable number of signatures on a petition complaining of the Board's Regulations, which led to a Select Committee being appointed. The Committee found in favour of the petitioners, reporting that the denominational schools were 'suffering certain disabilities and grievances' and that the Board 'had misconstrued the intentions and spirit of the Legislature in supposing that the ... Act ... precluded them from granting assistance to Primary Schools belonging to denominational bodies'.²¹ But when their Report was presented to Parliament, it was opposed by the majority of members and referred back to the committee. It was evident that there were wide differences of opinion in the parliament and in the community.²²

A stalemate ensued until mid-1862, when the Board attacked Tufnell in its annual Report. The government dismissed the Board for overstepping its brief and appointed one with a majority of Anglican members. This led to further agitation by nonconformists opposed to the church schools.²³ Another new Board was appointed at the beginning of 1863. The restriction on special denominational instruction in school hours was eased for some schools but not others. The change was sufficient, however, for the Catholic schools to re-enter the system.²⁴

²⁰ R. Fogarty, *Catholic Education in Australia 1806-1950*, vol. I (Melbourne, 1959), p. 64.

²¹ *Report of Select Committee on Education (Qld)*, 1861, p. 2. *Parliamentary Papers (Qld)*, *Legislative Council*, 1861, p. 123.

²² See Fogarty, vol. I, pp. 64-65; also K. Rayner, 'Attitudes and Influences of the Churches in Queensland on Matters of Social and Political Importance. 1859-1914' (B.A. thesis, University of Queensland, 1951), pp. 35-36.

²³ *Courier*, 17 June 1862.

²⁴ Quinn caused consternation in some Catholic circles when it was rumoured that he was 'entirely in favour of the national system'. See Fogarty, vol. I, pp. 65, 172, 195.

Quinn relied on the Sisters of Mercy staffing the schools. When aid became available again in 1863, he warned the Sisters not to assume that it would continue forever and become reliant on it. They should accept it when offered, but put it aside against the day when it would be withdrawn.²⁵

There began a period of vigorous campaigning by both sides to the issue, with the unprecedented appearance on the same platforms of the Anglican and Catholic bishops in many centres. McLay points to several factors that drew the two bishops together — in particular, both saw the school as ‘the handmaid of the Church’.²⁶

Rowdy meetings frequently accompanied them, and again it became clear that many Anglicans did not support their bishop on the issue.²⁷ When Tufnell addressed a meeting of Anglican laity in Ipswich he was accused of being hand in glove with Quinn.²⁸ The *Queensland Guardian* accused him of having been ‘put forth and stimulated’ by the Catholic bishop, ‘acting under his influence’, and subjecting himself to Quinn’s ‘well-trained and well-skilled leadership’.²⁹ Bowen likewise saw Tufnell being used as ‘an instrument of Irish Romanists and demagogues’.³⁰ Similar divisions in Anglican ranks occurred in Victoria, New South Wales, and South Australia.³¹

A revision of the Regulations in October 1864 made denominational schools established after separation eligible for aid. To that extent, those in favour of the provision of state-aid to non-vested schools had won a point.³²

A further cause of controversy in the early years of the colony was the passage in 1860 of the Grammar School Act, which offered £2,000 subsidy for every £1,000 raised

²⁵ *Catholic Leader*, 10 May 1931. See R. Fogarty, *Catholic Education in Australia 1806-1950*, vol. I (Melbourne, 1959), p. 222; M. X. O’Donoghue, *Mother Vincent Whitty*, (Carlton, 1972), p. 56.

²⁶ McLay comments, ‘...[both] had the same strong sense of authority inherent in the episcopal office. Both felt that supreme power must reside in the bishop ... Both had a sacramental understanding of church structure, with a love of ceremony and ritual. ... And as for Quinn, education was Tufnell’s dearest interest. For both, the school was ‘the handmaid of the Church’. Yvonne M. McLay, *James Quinn: First Catholic Bishop of Brisbane* (Armada, 1979), p. 131.

²⁷ See *ibid.*, pp. 132-134. Fogarty comments, ‘It was ... suspicion of Rome, shared by all Protestant groups, that widened the split already observed in the Church of England in her stand against secular education. Afraid of seeming to be ‘in with Rome’, and goaded by taunts from the press and their brethren of the other branches of the Reformed Church, many Anglicans deserted their leaders and swam with the rising tide of secularism’. Fogarty, vol. I, pp. 144-5.

²⁸ *Queensland Guardian*, 19 March 1863. Two hundred Anglicans at a meeting in Ipswich in 1864 voted against Tufnell’s policy. *Queensland Guardian*, 21 October 1864.

²⁹ *Queensland Guardian*, 24 March 1863.

³⁰ QSA, *Governor’s Despatches*, Vol. 3, No. 71, 15 December 1864; PRO, *Governor’s Despatches*, C. O. 234/11, 18 December 1864.

³¹ Fogarty, vol. I, pp. 145-8.

³² *Queensland Government Gazette*, 1864, p. 871.

privately towards the establishment of grammar schools, provided the sponsors could come up with not less than £1,000.³³ The only person able to take up the offer then was Quinn, who had brought out teachers for the very purpose. By June 1861 he guaranteed sufficient funds for the establishment of grammar schools at Brisbane and Ipswich.³⁴

There was an immediate outcry from Protestants, even though Quinn was willing to accept Protestant co-operation and employ some Protestant teachers.³⁵ A meeting in Ipswich 'ended in unseemly chaos', 'little else than a scene of tumult'. A subsequent meeting 'ended in an uproar'.³⁶ The result of this upsurge of sectarian bitterness was that the Government declined Quinn's offer. The Executive Council informed him that the intention of the Act was to 'establish schools on strictly unsectarian principles, ...'. Quinn replied that he 'never contemplated to establish any sectarian schools that would not be open to all classes of denominations of Her Majesty's subjects'.³⁷

A Temporary Truce

Sectarian bitterness continued until Tufnell departed on a visit to England in 1865, but he had not given up the struggle.³⁸ On returning, however, he adopted a quieter approach to achieve his objectives, namely, to have all of his schools receiving government support, and to be permitted to give denominational teaching in school hours.

He had some success. He was able to tell the 1872 Synod that all teachers in Anglican

³³ Act, 24 Vic., vii. In moving the second reading of the Bill, the Colonial Secretary, Robert Herbert, mentioned that the President of the Legislative Council, Sir Charles Nicholson, 'had afforded the Government much valuable assistance in drawing up this Bill'. *Courier*, 19 July 1860. Austin sees the hand of Nicholson in the Primary Education Act as well, which seems probable, given the fact of Nicholson's long-standing involvement in education in New South Wales, his chairmanship of the interim Board of National Education set up in January 1860, and the degree to which the Act fitted his views. Gawne points out, however, that there is no direct evidence of his involvement with the earlier Act, and argues that it was the work of Herbert. See A.G. Austin, *Australian Education 1788-1900: Church, State and Public Education in Colonial Australia* 3rd ed. (Melbourne, Pitman & Sons, 1972), p. 135; P.C. Gawne, 'State Aid to Religion and Primary Education in Queensland, 1860,' *Journal of Religious History* 9.1 (1976), pp. 50-64.

³⁴ Rigney to Colonial Secretary, 22 June 1861. See R. Fogarty, *Catholic Education in Australia 1806-1950*, vol. II (Melbourne, 1959), p. 317.

³⁵ *Courier*, 18 July 1861.

³⁶ *Courier*, 22 July and 29 August, 1861.

³⁷ Manning (Colonial Secretary's Office) to Rigney (Dean), 22 July 1861, and Rigney to Colonial Secretary, 26 July 1861. Quoted in Fogarty, vol. II, p. 318.

³⁸ Tufnell's critics took advantage of his absence to present a Bill to parliament designed to give the laity in the parishes considerable control over the church. Daw describes it as 'thoroughly unreasonable ... ill-conceived and loosely framed'. After several months of fruitless debate, the Bill was withdrawn. See E. D. Daw, 'Church and State in Queensland: Aspects of Anglicanism in the 1860s,' *Australian Journal of Politics and History*, XXIII.3 (1977), pp. 365-369

schools were supported by government grants.³⁹ Anglican schools, however, existed only in major centres of population. By 1873 they numbered only seven, as against sixteen Catholic schools that were receiving similar government support.⁴⁰

It appeared the supporters of the church schools had won the day. However, the opponents of aid were becoming active again, and by 1873 opinion was changing. Government policy tightened, and a new Regulation decreed that teachers supported by the Board must not give any denominational instruction in school hours.⁴¹ A private member's Bill aimed at stopping all aid to church schools was introduced into Parliament by the Premier, A. H. Palmer on 3 June 1873. It was inevitably opposed by Anglicans and Catholics, and supported by the nonconformists. The Bill was narrowly defeated on its second reading, with most of Palmer's colleagues voting against it.⁴²

In spite of having three schools of their own, the Presbyterian Assembly in 1873 declared that denominational education was 'inconsistent with the principles of a system of National Education suited to the wants and circumstances of Queensland'. At the same time, however, the Assembly affirmed its belief that 'no system of education would meet the wants of this colony which excludes from its schools the Word of God'.⁴³ That proviso was significant in later developments when the Bible in State Schools League was formed (see below).

THE SECULAR STATE SYSTEM

The controversy led to a Royal Commission in 1874, chaired by Mr. Justice Lilley. Lilley was a known opponent of church schools, as was another member of the Commission, the Attorney-General, Samuel Walker Griffith. Griffith's father was a leading Congregational minister in the colony, and a vigorous opponent of any government aid to denominational schools. The son rejected his father's fundamentalism, but imbibed his rejection of any state involvement in church schools.⁴⁴ The Commission's findings regarding aid for church schools were virtually

³⁹ *Proceedings of Synod*, 1872.

⁴⁰ There were also three Presbyterian schools and one Methodist school receiving aid. *Votes and Proceedings*, 1873, p. 927.

⁴¹ *Queensland Government Gazette*, 1873, p. 1230.

⁴² The Bill had been drafted by Palmer and Lilley, his strong opponent in the parliament on most other issues. See J. X. Jobson, 'A Biography of Sir Arthur Hunter Palmer' (B.A thesis, University of Queensland, 1961). Also *Courier*, 20 March, 17 June, 4 July 1873.

⁴³ R. Bardon, *The Centenary History of the Presbyterian Church of Queensland* (Brisbane, General Assembly of the Presbyterian Church of Queensland, 1949), pp. 128-129.

⁴⁴ R. B. Joyce, *Samuel Walker Griffith* (St. Lucia, 1984), pp. 58-59.

a foregone conclusion.⁴⁵

So far as the evidence before us enables us to offer an opinion, the primary schools, both vested and non-vested, with the exception of the Roman Catholic non-vested schools, have been allowed by the clergy ... to become secular in the sense, that for years past, little or no formal religious instruction has been given in them. Our opinion ... is that dogmatic religious instruction is the business not of the State, but of the several churches; and that the State is neither entitled nor required to undertake the teaching of the distinctive doctrines of any sect or to contribute funds for that purpose. ... We recommend, however, that every facility should be afforded to the religious teachers of the various denominations for giving special religious instruction, if they so desire, to the children strictly of their own faith, attending the State schools, either before or after the regular school hours.⁴⁶

The finding that religious instruction had lapsed in the Protestant non-vested schools was justified at the time the Commission was sitting. It had resulted from the Regulation of 1873 forbidding any teacher paid by the state to give doctrinal instruction. Anglican clergy had been leaving doctrinal instruction to the teachers in their schools. That situation contradicted Tufnell's claim that Anglican children must receive specific denominational instruction. Had he enjoyed the whole-hearted support of the Anglican clergy, more strenuous efforts would have been made.

Evidence to the Commission from nonconformist spokesmen supported a purely 'secular' state system — 'secular' interpreted as 'non-sectarian', as it turned out later.⁴⁷ Quinn, in his submission, surprisingly praised the state system which had evolved — at least for its suitability for non-Catholics. He thought it well adapted to the colony's needs, especially in the vast areas where church schools could not function. His arguments were more with the Act's administration by the Board than with the Act itself.⁴⁸

45 Two members of parliament declined to sit on the commission, O'Doherty (Catholic) and Walsh (Anglican), the latter describing it as appointed to 'work out predestined ends'. See *Votes and Proceedings*, 1875, Vol. II, p. 437., also R. B. Joyce, *Samuel Walker Griffith* (St. Lucia, 1984), p. 59.

46 *Votes and Proceedings*, 1875, Vol. II, p. 113.

47 Evidence given by the Congregational Union has already been referred to earlier (see p. 97). Presbyterian views given by the Rev. M. McGavin and A. Hay gave strong support to a secular state system, declaring that 'State education must be secular', and guaranteeing that 'opposition to the secular system need not be apprehended from the Presbyterians', and that while 'the State is bound to educate its children ... the religious interests of a community do not lie within the range of the civil power'. At the same time the Presbyterians were concerned to sustain their own schools. 'I have no doubt that Presbyterians would like, if they had the power, to have their own particular schools, in which their own particular views might be taught', Hay told the Commission. With a view to that possibility the General Assembly in Queensland in 1873 had set up a committee to seek teachers from Scotland. *Queensland Parliamentary Papers*, 1875, *Report of Royal Commission*, pp. 2174-2184 and 2210-2311.

48 *Votes and Proceedings (Legislative Assembly)*, 1875, Vol. 2, p. 249. See Yvonne M. McLay, *James Quinn: First Catholic Bishop of Brisbane* (Armadale, 1979), pp. 150-158.

The Education Act 1875

The Royal Commission's findings led to the Education Act of 1875. The non-vested schools would be aided only to the end of 1880. The state system was to be purely secular in practice, with provision for denominational instruction before or after school hours — a system which previous experience had shown in most localities to be virtually impossible for the denominations to implement.

THE PROTESTANT RESPONSE TO THE 1875 ACT

So far as the Anglican church in Queensland was concerned, it was the end of an era in education. The battle had been lost. There was neither the will nor the determination to make the efforts needed to maintain their schools at their own expense. Tufnell had arrived in 1860 determined to see an Anglican system of education developed. After a period of limited success, by the time of his retirement it was coming to an end. The seven Anglican schools had closed down by 1880.

Tufnell was succeeded by Matthew Blagden Hale, a person not given to controversy with the Government. His episcopate saw few if any new developments in Anglican involvement in education. Hale in turn was replaced in 1885 by the more forceful William Thomas Thornhill Webber. Within a few years of assuming the episcopal mantle, he became involved in a movement that was to occupy his attention increasingly until his death in 1903.

Within a few years Protestant denominations became alarmed at the degree of secularisation within the state system. The question was, had those who had favoured the state system, as opposed to the church schools, intended the word 'secular' to be interpreted in its strict literal sense, or was it to mean 'non-sectarian', as in New South Wales? Many in the churches were persuaded that it was the latter interpretation which was intended.

In Queensland, the Anglicans moved to remedy the situation. In 1880 there was a tentative move in the Anglican Synod in Brisbane to petition the Government for prayer and Bible reading to be allowed in the state schools, similar to what was permitted in New South Wales. This decision, however, was reversed the following year. Hale told the Synod that more groundwork was needed — people must be brought to see the matter as a religious question and not simply a political issue.⁴⁹

⁴⁹ '... if we distribute such papers now, before the ground has been sufficiently prepared, and when we have every reason to suppose that those papers would come back to us, signed by only a

It was 1888 before the Synod again moved on the matter, resolving that the Diocesan Council should take steps to secure the amendment of the 1875 Act, so as to permit Bible instruction in the state schools. In 1889 a committee was established 'to confer with the Ministers and leaders of all the other Christian denominations in the Colony, and to take such further steps as may be necessary to give effect to the expression of opinion of this Synod that the time has come when Bible instruction shall be given in all State schools of the Colony ...'⁵⁰

Bishop Webber headed the committee, assisted by his coadjutor, with a strong group of clergy and laity. The Committee did not meet with much success initially, and apparently lost its enthusiasm in 1890.⁵¹ In his address to Synod that year, however, Webber pressed the issue, referring to the lukewarm response of some of the other denominations. At his urging the Synod resolved unanimously:

That, with a view to keeping the subject of Bible teaching in State Schools before the public, and organizing the ranks of all who are favourable to the broad principle involved, his Lordship be requested to invite the formation of a 'Bible Teaching League' in the several districts, to be the means of disseminating information and arousing general interest in the subject.⁵²

A further resolution instructed the Diocesan Council to appoint a sub-committee to draft rules and a constitution to secure a prompt formation of the League.

The Council reported its progress to the Synod in June 1891:

The exact object at which we aim is to secure the recognition of the broad principle of Bible Teaching as an integral part of the curriculum of our State Schools, by the introduction into our existing Queensland Education Act of a Clause similar to the 7th Clause of the Education Act of N.S.W., which is actually in force in that Colony, and is found to operate to the general satisfaction of the people.

The Clause referred to is as follows:—

In all schools under this Act, the teaching shall be strictly Non-Sectarian, but the words 'Secular Instruction' shall be held to include general religious teaching as distinguished from dogmatical or polemical theology ...⁵³

small minority of the people, we shall then be adopting a course which will be calculated to strengthen the hands of the opponents of Bible instruction'. *Proceedings of Synod*, 1880 & 1881.

⁵⁰ *Proceedings of Synod*, 1888 & 1889. Similar developments were taking place, but to a lesser extent, in some of the other Protestant denominations. See below, pp 107, nn, 56 and 57.

⁵¹ In March that year it was reported to the Diocesan Council that the non-attendance of some members at a conference with other denominations had allowed a motion to be passed expressing preference for the existing system. The Council urged the Bishop to continue his efforts to promote the cause. *Minutes of Diocesan Council*, 6 March 1890.

⁵² *Proceedings of Synod*, June 1890.

⁵³ Clause 7, Public Instruction Act, N.S.W., 1880.

The report emphasised that the Committee was not aiming at the overthrow of the existing legislation, but only its amendment. Furthermore, the aim was for Bible teaching, not simply Bible reading. That meant that some generally held doctrines of the Christian faith would be imparted to the children in the schools. Very importantly, instruction was to be given in school hours by the responsible school teachers — all attempts to give such instruction outside of school hours had proved ineffective. Finally, there should be a conscience clause allowing parents to withdraw their children if desired; and that there should be no specific denominational teaching.⁵⁴

The Bible in State Schools League

In its early days the League was not overtly political — that came later — yet the political intention was there from the beginning. The draft constitution explained the methods to be employed in gaining the objectives:

Each local Branch of the League shall endeavour to further the cause in the following ways:—

1. — By influencing Parliamentary elections, and using every effort to secure the return of suitable Members, pledged to promote and support by all means in their power, the objects of the League.⁵⁵
2. — By preparing Petitions for presentation to the Legislature.
3. — By holding Public Meetings as occasion offers, with a view to spreading information as to the objects of the League.

The Anglican church spearheaded the campaign waged over the next two decades. It was one of the most sustained and finally successful struggles mounted by the Protestant denominations against the policy of the state. It eventually achieved an unusual degree of unanimity between often warring denominations. While later generations may question the ultimate value of what was achieved, full credit must be given for the perseverance and political acumen demonstrated by the leaders of the movement.

At some point in 1890 an unofficial group of nonconformist ministers, Osborne Lilley and Dr. Youngman (Methodists), J. F. McSwayne (Presbyterian), and William Whale

⁵⁴ *Proceedings of Synod*, June 1891.

⁵⁵ A resolution passed by the League on 20 October 1898, reads, 'That in view of the General Election to the Legislative Assembly active steps be taken to secure the pledge of electors not to vote for any candidates who will not promise to support the proposals of the League in Parliament relating to Scripture teaching in State Schools, and that all candidates be questioned on this matter'. *Church Chronicle*, 1 November 1898, p. 43.

(Baptist), had established a 'Bible in State Schools League'.⁵⁶ As the Anglicans were already moving on the issue, the two groups came together on an official inter-denominational basis, with a committee of seven Anglicans, three Presbyterians and three Methodists. Bishop Webber and the leaders of the other two denominations gave strong support. Most of the other Protestant denominations became involved later.⁵⁷ Strong support came from the press soon after its formation.⁵⁸ In its August 1891 issue, the *Church Chronicle* commented,

Our quarrel with pure secularism is that it is essentially narrow and sectarian — narrow because it refuses to recognise the large proportion of the population who desire that religion should be taught, and sectarian because the non-religionists are not only a sect, but — happily — a very insignificant sect in comparison with the great body of the people.⁵⁹

From the beginning the League was careful to explain that it did not seek a return to the pre-1875 situation. It did not seek to re-establish any church school system. It only wanted the 1875 Act amended by the inclusion of a provision similar to what was in the New South Wales Act. Later the League added to its aims the provision of denominational instruction by church representatives within, not outside of school hours. This too followed the situation in New South Wales.⁶⁰ Neither aim was at all radical.

Webber reported to the Anglican synod in 1892 that branches of the League had been established 'in most of our principal towns and some country districts'.⁶¹ For a time it did not seem to achieve very much. There was evidence of tacit community support, but not sufficient to put pressure on the Government. In 1889 a motion supporting Bible reading in the state schools had been moved in the Legislative Assembly by J.

⁵⁶ QSA, PRE/A 07873 (1910) (In PRE/A 05534 1911). Pamphlet published by the League and sent to Kidston on 24 August 1910. One purpose behind the publication of the document was to refute the charge that the League was simply an Anglican initiative. This would explain the absence of any reference to the involvement of Anglicans initially. However, given the known earlier Anglican initiatives in the area it is unlikely that they were not involved from the beginning.

⁵⁷ The combined League came into existence on 31 October 1890. By 1910, when its campaign was nearing fruition, the Executive of the League consisted of seven Anglicans, seven methodists, seven Presbyterians, three Congregationalists, four Baptists, one Salvation Army representative, and two Lutherans. See QSA, PRE/A 07873 (1910) (In PRE/A 05534 1911).

⁵⁸ Editorial in *Courier*, 25 July 1891.

⁵⁹ *Chronicle*, August 1891, pp. 9-10

⁶⁰ Clause XVII of the Public Instruction Act, N.S.W., 1880, provided that '... a portion of each school day not exceeding one hour shall be set apart, when the children of any one religious persuasion may be instructed by the clergyman or other religious teacher of such persuasion; the hour to be fixed by mutual agreement between the Public School Board in consultation with the teacher of the school and the clergyman'. A resolution was carried by the Synod in January 1895 urging the inclusion of a similar clause in the Queensland Act, and requesting the League to include such a change in its aims. See *Proceedings of Synod*, 1895, pp. 35-36.

⁶¹ *Proceedings of Synod*, 1892, p. 67.

Macfarlane of Ipswich. A number of members spoke in favour, but it was defeated.⁶² At that stage the Catholics took little notice of the League, but later they came to oppose it. They believed that it would be inimical to their own hopes for aid to their schools. Furthermore, they were convinced that non-dogmatic religious instruction was of no value, and would have the effect of turning the state schools into centres of Protestantism.⁶³

Dunne did not come out openly against the League and its aims, seeing that as a sure way of stirring up Protestant antagonism against Catholics. 'It only wanted the Pope's flag unfurled to rally all the sects as one'.⁶⁴ Byrne argues that Dunne attributed the final success of the movement, at least in part, to outspoken comments made by Duhig, then bishop of Rockhampton, which had the effect of stirring up the Protestant population.⁶⁵ He also saw the women's vote as a vital factor.⁶⁶

Through the 1890s, despite many synod and assembly resolutions, little seemed to be achieved. Some encouragement came in 1898 when the *Courier* published a 'Departmental Report' from New South Wales. It spoke in highly commendatory terms of the influence and acceptance of the ways that state's Act was working out in practice. Referring to a survey of all inspectors of schools, the Report stated,

... the large majority of these officers expressed a decided opinion that the Scripture lessons are calculated to exercise a beneficial effect upon the pupils both morally and intellectually.

In regard to the general teaching given by teachers and the denominational teaching given in school hours by clergy, it said,

There are no sectarian difficulties in working the clauses providing for general or special religious instruction, because the system has always formed a part of the school routine of the colony...⁶⁷

The League became more active again in 1900 under the leadership of G. H. Frodsham

⁶² *Queensland Parliamentary Debates*, 1889, Vol. LVII, p. 920.

⁶³ Commenting on the aim of the League in 1890, Archbishop Dunne wrote, 'It is ... impossible for us to assent to anyone, child or adult, of our fold receiving instruction in religion from a person not authorised ad hoc by the Catholic Church, and, in this matter, completely subject to her appointment and dismissal. Hence we cannot approach the idea of the State School Teachers, as such, reading or teaching the Bible etc to Catholic children'. Dunne to Richards, 2 January 1890, quoted by Neil J. Byrne, *Robert Dunne 1830-1917: Archbishop of Brisbane* (St. Lucia, University of Queensland Press, 1991), p. 221. Also, R. Fogarty, *Catholic Education in Australia 1806-1950*, vol II (Melbourne, 1959), pp. 460-1.

⁶⁴ Dunne to Carr, 26 September 1906, quoted by Byrne, *ibid.*, p. 221.

⁶⁵ *ibid.*, pp. 221-222.

⁶⁶ Dunne to James Byrne, 13 March 1910, from Byrne, *ibid.*, p. 184.

⁶⁷ The Report added, '... probably only a small percentage of parents would like a change made unless it were in the direction of giving more and not less religious teaching'. *Courier*, 22 October 1898. Also quoted in *Chronicle*, December 1, 1898.

(later bishop of North Queensland), culminating in a meeting in September with the Premier (Philp). While encouraging the deputation, he was wary of giving tangible support until he could be sure of the electoral situation. He suggested the League organise its own referendum amongst the parents of children attending the state schools, to ascertain their attitudes. The deputation left with the impression that he would take some action if warranted by the referendum results.⁶⁸

The Referenda

With good organisation, the poll covered 22,500 of a possible 29,000 parents. The results were remarkably positive: 21,101 in favour of the proposals, 1,427 against. Consequently the Government changed the Regulations in 1902. The clergy could give specific religious instruction within the regular school hours, provided the parents gave written consent. Subject to that consent, the first half-hour of every school day was to be set aside for religious instruction.⁶⁹

No sooner had the new Regulation been proclaimed, however, than the government had to withdraw it, having realised it was in conflict with the 1875 Act. This was a severe setback to the League. The Government was unwilling to introduce amending legislation into the Parliament until a referendum had been conducted through the whole state, not only of parents.⁷⁰

The departure of Frodsham from the secretaryship in 1902 and the death of Webber in 1903 weakened the League until new life came with the arrival of Bishop Donaldson in 1904, and the appointment of the energetic Archdeacon D. J. Garland as the League's organizing secretary.⁷¹

The Premier undertook to hold a referendum of the whole electorate on the issue, but before anything could be done Philp was out of office. The next Premier was Morgan, who could not be persuaded to hold a Referendum until 1906, the date of the next Federal election. Then he was succeeded by the Labour Premier Kidston, heading a Liberal-Labour coalition. Kidston was initially hesitant in indicating any support,

⁶⁸ *Chronicle*, 2 December 1901, p. 66. Also, 1 January 1902, pp. 83-84 for a detailed account of what had been said and understood from contacts with the Premier.

⁶⁹ *Chronicle*, 1 August 1902, p. 8.

⁷⁰ *Chronicle*, 1 September 1902.

⁷¹ Lilley describes Garland's approach: 'Speaking at public meetings, button-holing Cabinet Ministers and Members of Parliament, issuing manifestoes, organizing centres of activity in many parts of the State, replying to attacks on the League, guiding his co-workers in the field, and with an intense and tireless persistency (Garland) kept a wide and increasing interest alive in the question'. W. O. Lilley, *Reminiscences of Life in Brisbane, and Reflections and Sayings* (Brisbane, Smith and Paterson, 1913), p. 43.

dependent as he was on the Catholic vote. After steady pressure through deputations and publicity, he agreed to hold the Referendum at the time of the next Federal election, but then reneged on that undertaking. He had reached agreement on the issue with the Leader of the Opposition, hoping to remove it from the political agenda.⁷²

This rejection caused the League to decide quite deliberately to enter the political arena, with a manifesto calling on people to vote only for those who would favour the granting of a Referendum on the subject.

With a deep sense of responsibility, the Bible in State Schools League has, by its Manifesto, deliberately entered the arena of politics. For the course thus determined on, Parliament itself is solely accountable. With the Premier's announcement (and it was explicitly endorsed by the leader of the Opposition) that he would drop the Bill ... the invitation was plainly made to the League to accept defeat at the hands of those not duly authorized to inflict it. ... there remained no other way than the method now accepted by the League as its next immediate step. ... [That is] of obtaining signed pledges from its supporters, that they will, at the next state elections, vote only for men who publicly engage to procure the Referendum asked for, with the least possible delay.⁷³

The League received strong support from most of the Protestant denominations, but there were some who hesitated. The Methodists were behind it, but some Presbyterians held back.⁷⁴ An energetic campaign was organised by Garland, and branches were formed throughout the state. People pledged support, promising to vote only for candidates who undertook to vote for a referendum. To this end all candidates for the 1907 election were asked to declare their position. The League became an influential political force, and the political leaders were not slow to take account of it. In March 1907 the *Chronicle* editorialised,

The inclusion in the Premier's manifesto of the Referendum desired by the Bible in State Schools League is the most important acknowledgment so far made that the League is a power to be reckoned with. ... every day it is becoming stronger. ... he has decided that there is more to be gained by placating the League than is endangered by risking the displeasure of the other side.⁷⁵

Women had received the vote in Queensland in January 1905, and this favoured the League's campaign. In an article headed 'Female Franchise', the *Chronicle* observed,

we cannot refrain from expressing our satisfaction that the League has now definitely entered upon a movement to engage the active and organised co-operation of the Women of Queensland. So far as concerns the immediate objects of the League, the assistance of the women of the State, appealed to and stimulated by their fellow-women, is as important as it is proper, for the League's question is essentially a women's question...⁷⁶

⁷² See *Courier*, 14 February 1906, and *Chronicle* for February, March, April, and September 1906.

⁷³ *Chronicle*, 1 November 1906.

⁷⁴ *Minutes of Queensland Annual Conference of the Methodist Church of Australasia*, 1902, p. 52. *Minutes of Proceedings of the General Assembly of Presbyterian Church in Queensland*, 1906.

⁷⁵ *Chronicle*, 1 March 1907.

⁷⁶ *Chronicle*, 1 March 1907.

Both the Premier, Kidston, who by then had broken from the Labour Party, and Philp pledged their support. The Labour Party, because of its links with the Catholic population, did not give support, but refrained from openly opposing it. The result was that approximately two thirds of all the candidates in the forthcoming election declared themselves in favour of the change.

But this is not enough. There are candidates of all parties who have declared their intention of opposing the Bill, or who have failed to give a definite promise of support. The duty of the League's followers is clear in these cases to vote on the 18th May against those candidates who have failed to promise the Referendum.⁷⁷

When the election results were in, the results were even more encouraging for the League and its supporters. Seventy-five percent of those elected had pledged themselves to vote for a referendum on the issue. Of the total number of candidates who had stood for election, forty-three percent of those who had pledged support won seats, as against only thirty percent of those who had not.⁷⁸ It is reasonable to conclude that the League's efforts had some effect in influencing the result, though of course there were other issues involved.

The League and its supporters expected speedy action following the election in May 1907, but again they found the Premier less than willing to oblige. To a deputation from the League in the following August he proposed that the referendum be held at the same time as the federal election, not due until 1910. The League reacted strongly against such a long delay:

No one will be surprised at the refusal of the executive of the League to acquiesce in this process of prolonged guillotining. ... Either there was or was not a desire for settlement, not for delay. Members of Parliament must have been satisfied that the demand was genuine and extensive or they would have treated it with contempt. For them to acquiesce in Mr Kidston's tardiness will involve them in a position with their electors little short of breaking their promises.⁷⁹

Meetings and protests were organised, and deputations presented petitions to the government. The Federal government disapproved of its affairs becoming confused by state issues.⁸⁰ The government was not swayed, however. When legislation for the referendum was passed in 1908, it was to be at the time of the Federal elections in

⁷⁷ *Chronicle*, 1 May 1907.

⁷⁸ *Courier*, 28 May 1907.

⁷⁹ *Chronicle*, 2 September 1907.

⁸⁰ The disapproval of the Federal government was expressed strongly to the government in Queensland. Federal officials raised the practical problem of having the Federal election and the state referendum on the same day in the same premises, overseen by the same officers. There was concern in the League that it might jeopardise the holding of the referendum. The matter was overcome through negotiations between Kidston, Garland, and Deakin. See QSA, PRE/A 01022, 01869, 09261, 09458, 09783, 10458 (1909) (In PRE/A 05534 1911); *Minutes of Diocesan Council* (Brisbane Diocese), 11 March 1909, p. 326.

1910.⁸¹ It did have the advantage of ensuring a good turn-out of electors on the day, so the League did not pursue the matter further.

Final Success

Again a vigorous campaign was mounted by the League. Testimonies from interstate teachers, administrators, and clergy were published by the League.⁸² A series of extensive articles by A. Lobban, Senior Inspector of Schools in New South Wales, explaining the evolution of the system of general and special religious instruction from 1848 up to that time, was published by the *Chronicle*.⁸³ Even the fact that New South Wales had seen a decrease in the crime rate from 1880 to 1909 was quoted as evidence of the beneficial effects of religious teaching in the state schools! The *Chronicle* on 1 November of that year said,

... the conclusion is obvious. If so happy a result can be traced to the influence of religious teaching on those in whom a criminal tendency has shown itself, surely a still more beneficial result must flow from the same religious teaching in the direction of checking possible criminality and preventing its manifesting itself in crime.⁸⁴

The Referendum, finally held on 6 April 1910, was carried by fifty-four percent to forty-one percent, with five percent informal. Similar campaigns in Victoria and South Australia had been less successful, where change did not come until 1950 and 1940 respectively.

Kidston was bombarded with letters urging him to act in the parliament.⁸⁵ But the Referendum did not end opposition to the proposal. When the Religious Instruction Bill was introduced, Bowman, the leader of the Labour Party announced his party would oppose it. This produced a strong reaction from the League, which resolved:

... The Executive views with regret and indignation the attitude of hostility ... on the part of certain members of Parliament towards the will of the People. ... The Executive expresses the opinion that any obstruction or delay ... will not bring finality, but will cause the question to be fought with greater intensity.⁸⁶

⁸¹ *Chronicle*, 1 October 1908.

⁸² QSA, PRE/A 07873 (1910) (In PRE/A 05534 1911).

⁸³ The *Chronicle*, from August 1908 through to January 1909, ran various articles by teachers and administrators. The articles by Lobban ran over three issues: March, April, and May 1909.

⁸⁴ *Chronicle*, 1 November 1909. Also *Courier*, 25 August 1909. Commenting on 'The Annual Report of the Controller-General of Prisons in New South Wales', the editor said, 'Educational and moral influences are regarded as of vital importance in the work ... There is a staff of 52 chaplains, 37 of whom are paid by the State ..., the expenditure evidently being regarded as a good investment, judging from the numerous statements made as to the beneficial work done by the regular chaplains'.

⁸⁵ QSA, PRE/A 03537, 03929, 04213, 04464, 05058, 06115, 06116 (1910) (In PRE/A 05534 1911).

⁸⁶ QSA, PRE/A 07325 (1910) (In PRE/A 05534 1911).

The Anglican Synods in the Brisbane, Rockhampton, and Carpentaria dioceses; the Connexional Committee of the Methodist Conference; and the Baptist Assembly passed resolutions calling on the government to pass the legislation.⁸⁷ The Rev. A. C. Plane wrote to Kidston on behalf of the Wide Bay and District Methodist Church of Australasia telling him that they were in possession of pledges signed by two members of the Legislative Assembly, that they would vote for the Bill if the Referendum was passed.⁸⁸ Similar pledges had been gained in other districts.

Kidston was personally opposed to the proposed Bill, but stated his conviction that the will of the populace expressed in the Referendum must be followed.⁸⁹ By the end of the year the Religious Instruction in State Schools Act, 1910, had been passed. The Bible In State Schools League Executive Committee expressed their thanks to the Premier:

[for] his statesmanlike and impartial conduct in insisting upon the basic principle of democratic rule in accordance with the constitutionally expressed will of the People; and congratulates Mr. Kidston upon the restoration to the Queensland Educational System of that Religious freedom which alone was necessary to make it truly National ...⁹⁰

In June 1911 a similar motion was passed by the Anglican synod. Donaldson informed the synod that 82% of his clergy were already giving religious instruction in the schools.⁹¹

From the start the Catholics had opposed the aims of the League, but once its aims had been achieved Duhig realised that its success might eventually benefit his own church. He argued it was inconsistent for a government to reverse its policy and suddenly 'recognize the principle of religion in education, and not give a penny ... to the schools that had stood for that principle for thirty years'.⁹²

The League had finally achieved an Education Act amended to provide for religious instruction within the state system — a successful end to what became an explicitly political campaign. From 1875 to 1911, the meaning of 'secular education' had been defined in Queensland in a strictly literal sense, whereas in New South Wales, Western Australia, and Tasmania it was defined as meaning 'non-sectarian'. It was not until the 1875 Act had been operating for a time that Queensland Protestants realised that the

⁸⁷ QSA, PRE/A 04880, 05490, 07831, 03538, 08585 (1910) (In PRE/A 05534 1911).

⁸⁸ QSA, PRE/A 06122 (1910) (In PRE/A 05534 1911).

⁸⁹ *Chronicle*, 1 August 1910.

⁹⁰ Bible in State Schools League to Kidston, 28 November 1910. QSA, PRE/A 10726 (1910) (In PRE/A 05534 1911).

⁹¹ *Proceedings of Synod*, June 1911, p. 21; QSA, PRE/A 05534 (1911).

⁹² *Argus*, 25 October 1910. Quoted in R. Fogarty, *Catholic Education in Australia 1806-1950*, vol. II (Melbourne, 1959), p. 461.

1875 Act had taken them further in the direction of secularism than they had ever intended.

Throughout the long campaign, the Anglican church had been the most active, with successive bishops giving strong personal leadership. The church backed this with personnel and financial support. Garland was the key figure in the final success of the League, and he was invited later to head a similar campaign in New Zealand.

THE CATHOLIC RESPONSE TO THE 1875 ACT

McLay judged the 1875 Education Act as 'the ultimate symbol of the colonists' repudiation of James Quinn's plea for toleration and complete social integration based on religious pluralism'.⁹³ The Catholic Church responded with a determination to preserve and expand its school system, with or without Government assistance. They continued to hope that there would be a change of heart in the government, and worked towards that end.

Expanding the System

While frequently asserting the injustice of the situation, both Quinn and Dunne went out of their way to avoid controversy with the government and the community over the education issue. In 1878 Quinn instructed his clergy not to raise it during the forthcoming election campaign.⁹⁴ The policy was to expand and improve their system, and encourage Catholic parents to send their children to Catholic schools.⁹⁵ It was rumoured that parents were threatened with exclusion from the sacraments of the church if they failed to do this, but that is impossible to verify.⁹⁶ Quinn saw the ending of aid in 1880 as stirring up the fighting spirit of the Irish, and so indirectly benefiting his church:

While we have to complain of the gross injury that is inflicted on us, it is our belief that nothing could happen which could conduce more to the prosperity of the Catholic Church in this colony.⁹⁷

From 1863 to 1880, their schools had been regularly inspected by state inspectors. With the cessation of aid, Quinn could see the value of these inspections being continued, in the interests of ensuring that the Government was kept aware that high

⁹³ Yvonne M. McLay, *James Quinn: First Catholic Bishop of Brisbane* (Armada, 1979), p. 182.

⁹⁴ *Courier*, 22 October 1878.

⁹⁵ Between 1878 and 1881, Catholic schools increased from thirty-three to fifty-two. Some of these were small, ranging from 33 to 288 pupils. See V. L. Gray, *Catholicism in Queensland: Fifty Years of Progress* (Brisbane, 1910), pp. 73, 79-80.

⁹⁶ *Courier*, 12 November 1879.

⁹⁷ Quinn to Palmer (Minister for Public Instruction), in *Courier*, 6 January 1881.

standards were being maintained. To this end he approached Palmer, the Minister for Education, 'with the request that government inspection, as a favour, might be continued. His request was granted'.⁹⁸ The same policy was pursued by Quinn's successor, Robert Dunne.⁹⁹ It was hoped that when the government saw that the schools were just as efficient as those of the state, then Catholics would have a better chance of seeing aid restored.¹⁰⁰

The Religious Orders

From the beginning, Quinn had foreseen that the time could come when aid would be withdrawn, and had planned accordingly (see above, page 100). An important part of that planning was to rely increasingly on the religious orders to staff the schools, rather than lay teachers. It was becoming more difficult to retain the latter against the competition from the state system offering much higher salaries. In 1885, Bishop Dunne found that a former lay convent teacher who had gone into the state system was earning one hundred and thirty pounds per annum, plus another twenty-one guineas per quarter for music lessons. Around the same time a lay head teacher at the parish school at Gatton was being paid forty pounds per annum!¹⁰¹

In the period 1861 to 1881, the number of schools staffed by religious orders rose from zero to around forty-four. During the same period the schools staffed by lay teachers rose from four in 1861 to a peak of sixteen in the mid-70s, and then fell away to eight by 1881. Lay staff were continually being lost to the state system. The religious orders made it possible to minimise the financial support that had to be found to keep the schools operational and effective.¹⁰²

Consolidation

With the consecration of Robert Dunne in 1882, there came a more conciliatory approach to the government and to the community. Dunne did not press his Irish background, in contrast to his predecessor and his southern colleagues. He preferred to work for conciliation rather than promote direct confrontation over Catholic grievances, to ease tensions and cultivate good relations with all sections of the

⁹⁸ R. Fogarty, *Catholic Education in Australia 1806-1950*, vol. II (Melbourne, 1959), p. 426.

⁹⁹ Neil J. Byrne, *Robert Dunne 1830-1917: Archbishop of Brisbane* (St. Lucia, 1991), pp. 150-151.

¹⁰⁰ This hope was expressed also by Cardinal Moran in Sydney in 1905. Fogarty, *ibid.*, vol. II, p. 428 footnote.

¹⁰¹ Figures quoted by Byrne, *ibid.*, p. 152, from Dunne's letters.

¹⁰² Fogarty, *ibid.*, vol. I, pp. 243-4.

community. The press took note and commended him for the refreshing change.¹⁰³ As Byrne comments, his approach eventually secured 'greater government concessions for his church than those currently demanded by his more acrimonious colleagues'.¹⁰⁴ He prevented the establishment in Queensland of a branch of the Australian Catholic Federation. That body had been formed in Melbourne in 1911 for the prime purpose of uniting Catholics in the pursuit of what they saw as justice, especially in the area of education. It was an overtly sectarian and political organisation. Dunne could see that its introduction would inevitably disturb the goodwill he had worked for in Queensland with some success, winning aid for his secondary schools in the process. His successor, James Duhig came to appreciate the wisdom in his approach, and continued to exclude the Federation.¹⁰⁵ In Queensland at least, relations between Catholics and Protestants were improved to a limited extent — compared to the situation in the southern states. Warm eulogies came from all sections of the populace on Dunne's death, including his political and religious opponents.¹⁰⁶

The ecumenical outlook of Dunne did not mean that he was weak in promoting the Catholic cause, especially in the area of education. Because his church was the only one supporting its own educational system — as against the handful of church schools being maintained by the Anglicans and others towards the end of the century — Dunne believed that Catholics were being discriminated against. He did not seek public disputation on the subject, but believed that relief would come only when Catholics were able to make effective use of the ballot box.¹⁰⁷ To this end Dunne encouraged Catholics to settle on the land rather than in the cities and towns. He was looking ahead to the time when Catholics would form a well-established and accepted people within the community. He did not want them to retreat into an Irish ghetto, nursing grievances brought from their homeland.

To the same end the development of good relations with the Protestants was promoted, as was education for all classes of society.¹⁰⁸ Dunne was prepared to give credit where he believed credit was due. In the matter of education, he was ready to acknowledge

¹⁰³ *Courier*, 21 March 1882; *Melbourne Argus*, 10 April 1882.

¹⁰⁴ Neil J. Byrne, *Robert Dunne 1830-1917: Archbishop of Brisbane* (St. Lucia, 1991), p. 135.

¹⁰⁵ See T. P. Boland, *James Duhig* (St. Lucia, Queensland University Press, 1986), p. 124. Boland points out that initially Duhig had been angling for the League to be introduced. The Catholic press regularly reported its activities in the southern states.

¹⁰⁶ *Brisbane Age*, 20 January 1917; *Courier*, 15 January 1917; *Sydney Morning Herald*, 15 January 1917; *Melbourne Age*, 16 January 1917.

¹⁰⁷ Neil J. Byrne, *ibid.*, pp. 143-4, from Dunne's 'Draft of Some Matters which the undersigned thinks might be usefully brought under the consideration of the Australian Synod of 1885', 15 September 1884.

¹⁰⁸ *ibid.*, pp. 132 ff.

and praise the state systems for having produced good and loyal citizens.¹⁰⁹ But that did not mean that such an education was adequate for Catholic children. The essential environment of Catholic faith and life was missing.

Reasonable success had been achieved in providing primary schools for the Catholic population. Dunne inherited the system built up by Quinn, with the rapid expansion between 1878 and 1881. He proceeded slowly with new schools, determined not to strain the resources of his church. Until his land-settlement policy bore ample fruit, he preferred to aim at higher standards for the existing schools, to compete favourably with the state schools. Only ten more schools were added by 1911.¹¹⁰

Dunne's approach was to a degree contrary to the policy of his church as declared by the Australian Plenary Council of Catholic bishops in 1905, which had decreed that every mission with its own priest should have its own primary school, and that the first building erected in a parish should be a school, to serve as both school and church in the interim.¹¹¹ Dunne was determined to move at what he believed was the wiser but slower rate, so as not to overburden his diocese.

SECONDARY SCHOOLS

Reference has been made to the Grammar School Act of 1860. Protestant opposition to any help going to Quinn's proposals meant that none of the aid available under the Act went to church schools. It also meant that the Protestant denominations themselves were unable to establish any secondary schools until late in the century.

In 1878 the Anglican Synod in Brisbane passed a resolution expressing the need for a fund to establish a church secondary school.¹¹² It was seen as a necessary first step towards the eventual training of native-born clergy to supply the needs of the expanding church population. Financial support was slow in forthcoming, and lacking government support it was 1895 before a small beginning was made with the establishment of the Eton High School for Girls, later to become St. Margaret's School.¹¹³

¹⁰⁹ *Sydney Morning Herald*, 23 March 1883. Also, Dunne was the author of the 'Pastoral Letter of the Archbishops and Bishops of Australasia in Plenary Council Assembled to the Clergy and Laity of their Charge', 29 November 1885, quoted in the *Brisbane Australian*, 10 April 1886, which adopted a fairly conciliatory tone. See also Neil J. Byrne, *Robert Dunne 1830-1917: Archbishop of Brisbane* (St. Lucia, 1991), p. 150, quoting from Dunne's letters.

¹¹⁰ *ibid.*, pp. 149-150.

¹¹¹ T. P. Boland, *James Duhig* (St. Lucia, 1986), p. 96.

¹¹² *Proceedings of Synod*, 1878.

¹¹³ A boys' school was established at Southport, which came under Diocesan control in 1913, known ever since as The Southport School. Also established at Southport was St. Hilda's

The Presbyterian Church became involved in 1916, and the Methodist Church in 1917.¹¹⁴ The smaller Protestant denominations had no secondary schools in Queensland until much later in the twentieth century.

Catholic Initiatives

As with primary education in the period to 1880, the Catholic church was more active than the other denominations in establishing secondary schools. Quinn's approaches to the Government in 1861, 1867, and 1873 for support under the Grammar School Act were all rejected (see above, pages 101 and 117).¹¹⁵ He was against Catholic involvement in non-denominational grammar schools, thinking any participation would undermine his efforts to gain government subsidies.¹¹⁶

All Hallows convent was providing secondary schooling for girls from 1863,¹¹⁷ and was followed by several others in succeeding decades. There had been a short-lived

School. In Toowoomba in 1908 the Glennie School (for girls) came into being, and the school which later became the Brisbane Church of England Grammar School had its beginnings just before the outbreak of war in 1914.

- ¹¹⁴ In 1914 the 'Presbyterian Ladies' College Ltd' took over Spreydon College in Toowoomba, which had been established as a privately-run secondary school for girls. Two years later this was taken over officially by the church and moved to the Fairholme site. It was followed in 1918 by the Presbyterian Girls' College in Warwick. Scots College, for boys, opened in Warwick in 1919.

A union between the Presbyterian and methodist denominations had been under discussion from the early 1900s, and in 1917 a situation arose in Brisbane where two existing privately-run schools were offered to the churches, Clayfield College (for boys), and the Brisbane High School for Girls in Wickham Terrace. Neither church could afford to take over these schools alone, but the offer led to the formation of the Presbyterian and Methodist Schools Association in 1918. Both schools were acquired by the Association on behalf of the churches, followed shortly after in 1920 by the acquisition of an extensive property in South Brisbane to which the High School for Girls was moved and renamed Somerville House. Clayfield College was renamed the Brisbane Boys College, and was later moved to Toowong, with the Clayfield property becoming a girls' school. Thornburgh College for boys and the Blackheath College for girls in the Charters Towers area were established in 1919 by local groups similar to the Association, which later took over control. See R. Bardon, *The Centenary History of the Presbyterian Church of Queensland* (Brisbane, 1949), pp. 128-38, and R. S. C Dingle (ed.), *Annals of Achievement: A Review of Queensland Methodism 1847-1947* (Brisbane, 1947), pp. 147-54. Moreton Bay College, another privately-run secondary college for girls, established originally in 1902, was given to the Methodist Church in 1944 and placed under the control of the Presbyterian and Methodist Schools Association.

- ¹¹⁵ Rigney to Colonial Secretary, 22 June 1861, Quinn to Colonial Secretary, 18 October 1867, and Quinn to Lilley, 14 June 1873. See R. Fogarty, *Catholic Education in Australia 1806-1950*, vol. I (Melbourne, 1959), pp. 317, 319, and Yvonne M. McLay, *James Quinn: First Catholic Bishop of Brisbane* (Armada, 1979), p. 64.
- ¹¹⁶ On this point he faced a rebellion amongst his flock in Ipswich, where several prominent Catholics were involved with such a school. See McLay, *ibid.*, pp. 64-66.
- ¹¹⁷ In 1868 All Hallows was said to be providing a standard of education superior to anything else available, and consequently it attracted many non-Catholic enrolments. It was claimed by Quinn in 1871 that Protestants as well as Catholics were asking for convents to be established in their towns. *Report of the Diocese of Brisbane, 1861-1871*, Quinn to Barnabo, 11 November 1871. See McLay, *ibid.*, pp. 49, 76, and 126.

attempt in 1864 to establish a secondary school in Ipswich without any Government aid. Quinn pressed on without government support, as, unlike the other denominations, he was able to call on the religious orders to staff his secondary colleges.¹¹⁸ Dunne continued to rely on the Mercy Sisters and the Christian Brothers — he held these two Orders in high esteem, and they were prepared to accept his episcopal direction.¹¹⁹

Most Catholic children still did not receive a secondary education in the Catholic colleges, the cost to parents being the limiting factor. A small number of scholarships were offered by the church's schools, but they did not go near to covering the costs for poorer families. The government had since 1873 offered scholarships tenable only at the grammar schools, and Dunne's aim during the 1890s was to have these made available to children attending Catholic schools.

Dunne's land-settlement policy was beginning to bear political fruit. The census of 1891 showed that three-quarters of the Catholic population were living outside Brisbane, enjoying a rising social status and qualifying for the franchise.¹²⁰ Catholics were represented in the parliament and cabinet. In this atmosphere, Dunne argued strongly against what he saw as the injustice of the existing arrangements:

I utterly deny that the present Education Act, with its injustice to Roman Catholics, is the will of the present majority.¹²¹

This strong stand for a time threatened his accord with the Protestant denominations. While unhappy with the degree of secularism in the state system (see above, page 104 ff.), Protestants did not want to see church systems supported by the state. An even stronger statement from the Plenary Council of Catholic bishops in 1895

¹¹⁸ In 1875 the Christian Brothers established a school at St. Stephen's cathedral, with the intention that it would be a secondary school. Two years later their new college on Gregory Terrace was built, which absorbed the senior pupils from the cathedral school. To accommodate country boys, a boarding school, St. Kilian's College was established in South Brisbane, close to the present St. Laurence's, but it did not survive for long. In 1892 the Christian Brothers, pressed by Archbishop Dunne, opened St. Joseph's College at Nudgee, which was able to take in boarders from the country. There followed St. Mary's, Ipswich; St. Patrick's, Toowoomba; St. Mary's, Maryborough; and St. Patrick's, Gympie. See R. Fogarty, *Catholic Education in Australia 1806-1950*, vol. II (Melbourne, 1959), pp. 319, 328-9.

¹¹⁹ Dunne eventually showed his esteem for their work and his recognition of the importance to the church of their schools by leaving a large part of the diocesan monies, which legally at that time were his own personal property, to the two Orders. His will was challenged in Rome by his successor, James Duhig, who had been hoping to use it more for building purposes. Rome reduced the amount to the Orders, but they still received very generous legacies — £20,000 to the nuns and £15,000 to the Brothers. See T. P. Boland, *James Duhig* (St. Lucia, 1986), pp. 141-142. Boland suggests that Dunne's will was deliberately intended to thwart his successor's grandiose building plans.

¹²⁰ *Census of Queensland, 1891* (Brisbane, 1892), p. 441.

¹²¹ *Courier*, 22 December 1894.

stirred up further anti-Catholic reaction, with Catholic representation slashed at the 1896 election.¹²²

Scholarships

The situation was changed by the emergence of the Labour Party in the late 1890s. Sociologically, it could be expected that many Catholics would support Labour and be well represented in its ranks. In spite of the problem posed by the party's socialist policies, an alliance developed in Queensland, especially when it appeared likely that Labour would support the extending of scholarships to children in Catholic secondary schools. Byrne comments that the leader, Thomas Glassey, bought the vote of the Catholic workers with scholarships.¹²³ In spite of his innate political conservatism, because he was increasingly concerned that most Catholic children did not receive a secondary education, Dunne was glad of the new party's help in securing a motion through parliament.

The Party's education spokesman was the Catholic Frank McDonnell. In 1899 he moved in parliament to allow the secondary scholarships to be used in approved schools other than the grammar schools. The motion was carried by the Catholic members helped by non-Catholics on both sides of the house.¹²⁴ Despite vigorous opposition from some Protestants,¹²⁵ the Act became law, and this effectively meant that while state-aid was still being denied to non-state primary schools, secondary schools would now be aided. The only church that could take widespread advantage of the aid was the Catholic church.¹²⁶

Another small victory came with council rates on premises used solely for educational

¹²² See Neil J. Byrne, *Robert Dunne 1830-1917: Archbishop of Brisbane* (St. Lucia, 1991), pp. 177-78. A letter to the *Courier* called for the Legislative Assembly to be purged of all Catholics at the 1896 election. *Courier*, 24 January 1896.

¹²³ *ibid.* p. 178.

¹²⁴ *Queensland Parliamentary Debates*, Vol. 83 (1899), p. 886. Lawson attributes the success of the move partly to a general dissatisfaction in the community at the failure of the government to provide sufficient funding for state secondary schools. See Ronald Lawson, *Brisbane in the 1890s: A Study of an Australian Urban Society* (Brisbane, University of Queensland Press, 1973), p. 256.

¹²⁵ The Congregational Union 'respectfully but very emphatically enters its protest against any alteration in the present system of State education in the direction of making State school scholarships eligible in connection with schools over which the Government have no control'. *Courier*, 5 September 1900.

¹²⁶ See *Courier*, 6 September 1900 for wording of new Regulation. Byrne comments that the scholarships 'became the life blood of the Catholic secondary schools and would sustain them until the early 1960s'. Neil J. Byrne, *Robert Dunne 1830-1917: Archbishop of Brisbane* (St. Lucia, 1991), p. 179. He quotes figures for 1914 showing that if a Christian Brother prepared a class of thirty-five boys for the scholarship examination and all received scholarships, it could generate an income of £450 per year for the school.

purposes. Section 193 of *The Local Authorities Act, 1902-1913* had granted exemption to premises used solely for public worship *and* education, which some interpreted to mean that *both* worship and education must take place on the property. Most of the Catholic parish schools had qualified under this heading as they were used for services as well as for school purposes. Secondary schools often did not serve that dual purpose, and in 1918 the South Brisbane Council claimed rates payable on St. Laurence's. Duhig took the matter to the Supreme Court, which eventually gave judgment in his favour. This was of benefit not only to the Catholic schools, but to all non-state schools, and was a limited form of state-aid. Rail passes were another small concession given to parents.¹²⁷

The aid, limited as it was, enabled Duhig to expand the Catholic secondary system. He encouraged religious orders to come to Queensland. This had been his approach as bishop of Rockhampton, and he pushed forward with it as soon as he was able in Brisbane. The rate of expansion of the school system was determined largely by the number of nuns and teaching brothers and priests he could attract.¹²⁸

All secondary schools, both Catholic and Protestant, benefited from these avenues of government assistance. Some may never have started without the availability of scholarships. This concession meant that from 1899 onwards a measure of state support was again going to church secondary schools.

Few of the state's children were receiving a secondary education of any kind in the early twentieth century, but of those who were, most were being educated by the churches.

THE CHURCHES AND THE UNIVERSITY

Reference has been made to Quinn's efforts in the 1860s and 70s to establish Grammar Schools in Brisbane and Ipswich (see pages 101 and 118 above). His vision extended beyond that goal. He hoped to see a number of such schools, not necessarily Catholic, scattered throughout the colony, providing secondary schooling for the population,

... [having the] additional advantage of forming the basis of a university, which might be called into existence, whenever the Government thought it desirable, by erecting into a University Board the heads or some of the Professors of such institutions, together with such other men of science and letters outside them ...¹²⁹

¹²⁷ T. P. Boland, *James Duhig* (St. Lucia, 1986), p. 124.

¹²⁸ *ibid.*, p. 183.

¹²⁹ Quinn to Colonial Secretary, 18 October 1867. Quoted by R. Fogarty, *Catholic Education in Australia 1806-1950*, vol. II (Melbourne, 1959), p. 320.

He believed this would enable Queensland to emulate the example of the University of London. The colony was not ready for his vision, however, but once Catholic secondary schools were established, Quinn insisted they should prepare students for the Sydney University entrance examinations.¹³⁰

The 1880s saw various moves towards the establishment of a university in Queensland. In 1887 the Presbyterian General Assembly called for such an establishment.¹³¹ In that year also, Samuel Griffith presented over sixty petitions to the parliament, some of them from churches.¹³² By the late 1880s Catholics had begun to think seriously about tertiary education, stimulated by the more progressive attitude of Leo XIII, who, in 1888, had declared that the Catholic church,

so far from being an obstacle to the pursuit of learning and the progress of science, or in any way retarding the advance of civilization, in reality brings to them the sure guidance of the shining light.¹³³

This led to a petition to parliament in 1890, in which arguments were advanced for an examining university, similar to the Royal University of Ireland inspired by David Dunne, the bishop's brother.¹³⁴

A Secular University?

A University Commission had been established by the government in 1890, which reported in 1891.¹³⁵ Evidence was given to the Commission in support of a non-denominational school of theology within the university.¹³⁶ However, the concept of theology without a definite dogmatic content was unacceptable to the Catholics.¹³⁷

Catholics were disturbed at the prospect of a secular university, but they accepted it as inevitable given the climate of opinion. Dunne did not favour Catholic non-participation. 'The University will go on and we must hang on to it and keep it as right, or as little wrong as we can'.¹³⁸ Catholics could see value even in a secular

¹³⁰ R. Fogarty, *Catholic Education in Australia 1806-1950* (Melbourne, 1959), Vol. II, p. 370.

¹³¹ *Minutes of Proceedings of the General Assembly of the Presbyterian Church, State of Queensland* (Brisbane, 1887).

¹³² *Votes and Proceedings*, 1887.

¹³³ Leo XIII, *Libertas humana* (1888), quoted in Neil J. Byrne, *Robert Dunne 1830-1917: Archbishop of Brisbane* (St. Lucia, 1991), p. 182.

¹³⁴ *Votes and Proceedings*, 1890. See R. Fogarty, *Catholic Education in Australia 1806-1950*, vol. II (Melbourne, 1959), p. 447; Byrne, *ibid.*, pp. 180-181.

¹³⁵ *Queensland Parliamentary Papers*, 1891, *Report of University Commission*, 1891.

¹³⁶ Given by the Reverend Arthur David, a graduate of New College, Oxford, and a former Vice-Principal of Leeds Theological College. See *Report* (University Commission, 1891), p. 886.

¹³⁷ Byrne, *ibid.*, pp. 184-85.

¹³⁸ Dunne to Sister Audeon, 12 June 1891. Quoted by Byrne, *ibid.*, p. 182.

university because it would enable local Catholics to study the secular disciplines without having to go to Sydney or further afield. This would provide opportunities for graduates from their secondary schools, and help raise the standing of the Catholic community.

By threatening to withhold support for a purely secular university Dunne won a concession from the government for all the denominations in respect to its administration. Duhig and other church leaders gained places on the University Senate.¹³⁹ Duhig, for his part, was a fervent supporter of the plans for the university, established eventually in December 1909. Sir William MacGregor, the Presbyterian Governor of the state and first chancellor of the University, described him as a 'tower of strength' in the support he had given.¹⁴⁰ Catholic leaders lamented the absence of theology from the university, but settled for a second-best solution, a residential college on campus. St. Leo's College was established in 1917, with Catholic students encouraged to reside there, duly warned of the dangers of university life!¹⁴¹

The attitude of the Anglican church to tertiary education was indicated by Webber when he addressed his Synod in June 1900. He protested at the intention to exclude the teaching of theology:

Here again you have — presumably in the interests of secularism — a back-hander given to the study and science of Theology — anything apparently to discredit the Christian Faith. ...Much as I desire to see a University founded in Queensland, I would rather wait another decade than create difficulties for the future by a narrow, illiberal measure now. ... in ten years time we may know better.¹⁴²

Webber's views did not prevail, nor were his hopes realised. The exclusion of theology from the University did not excite either the laity of the church or the population generally to anywhere near the extent that the exclusion of religion from the primary schools was doing.

Ten years later Donaldson did not register any similar protest, but praised the government for bringing the University into being.¹⁴³ He was given a seat on the University Senate, along with representatives of other churches. Perhaps the euphoria

¹³⁹ *The University of Queensland, 1910-1922* (Brisbane, 1923), p. 7; also Neil J. Byrne, *Robert Dunne: 1830-1917: Archbishop of Brisbane* (St. Lucia, 1991), p. 182. Boland suggests that Duhig was appointed at least partly on account of his personal lobbying for the position. T. P. Boland, *James Duhig* (St. Lucia, 1986), p. 146.

¹⁴⁰ MacGregor to Duhig, 28 April 1914, quoted by T. P. Boland, *James Duhig* (St. Lucia, 1986), p. 176.

¹⁴¹ *ibid.*, pp. 146 and 177. Also, R. Fogarty, *Catholic Education in Australia 1806-1950*, vol. II (Melbourne, 1959), p. 447.

¹⁴² *Proceedings of Synod*, June 1900, pp. 44-45.

¹⁴³ *Proceedings of Synod*, June 1910, pp. 42-43.

over the recent success of the Referendum on religious education in the state schools was sufficient to suppress any great concern regarding the University's secularity. The Anglican church established St. John's College at Kangaroo Point in 1911, hoping that it would provide at least some moral and religious education for its residents.

The other Protestant denominations likewise supported the formation of the university. In 1887 and again in 1889, the Presbyterian Assembly had carried motions pressing for its establishment. At the same time as the university was inaugurated in 1909, moves were begun for setting up a university college, and in 1911 the church bought the former home of Charles Lilley in Wickham Terrace for the purpose. Emmanuel College was affiliated with the university in November of that year.¹⁴⁴ Two years later, the Methodist church established King's College at Kangaroo Point in 1913.¹⁴⁵ From the beginning it was intended that as well as serving as residential colleges, both Emmanuel and King's would also help train men for the ministry in the churches.

CONCLUSION

The nineteenth and twentieth centuries have seen a vast expansion of educational facilities that touch upon the lives of every person in the community. The churches intrinsically are concerned for the education of their members — in earlier centuries it was assumed that education in the widest sense was properly the concern of the church. In situations where the church and the nation were largely co-terminous and closely integrated, this posed less of a problem, even with the growth of secular knowledge.

In nineteenth-century Australia, however, as church and state grew apart into distinct areas of control and responsibility, that pattern broke down. It was inevitable then that there would be a struggle between the two, complicated by the inter-denominational rivalries and suspicions.

In 1860, the opportunity presented itself for secularists to push their case further than had been possible up to that time in the southern colonies. Where decisions have been in force for many years, there is an inherent conservatism. But in a new state with a new parliament, where a new decision had to be made, it was an opportunity for the popular viewpoint to carry the day. In Queensland, one of the first things done was to cut off aid to the churches. The question of education policy still had to be faced, and

¹⁴⁴ R. Bardon, *The Centenary History of the Presbyterian Church of Queensland* (Brisbane, 1949), pp. 116-118.

¹⁴⁵ R. S. C. Dingle (ed.), *Annals of Achievement: A Review of Queensland Methodism 1847-1947* (Brisbane, 1947), pp. 135-37. Also Malcolm I. Thomis, *A Place of Light and Learning: The University of Queensland's First Seventy-Five Years* (St. Lucia, 1985), p. 50.

as indicated above, was a prominent election issue in 1860 (See page 97).

The policy adopted was a close reflection of the New South Wales situation, but with differences that proved important so far as the churches were concerned. First there was the change from two Boards to one Board responsible for both state and non-state schools. While it avoided some problems, it placed more power in the hands of that one Board than either Board had possessed in New South Wales. That made the composition of the Board more sensitive from the churches' point of view. The second was that while Queensland largely copied the New South Wales Regulations, there was the omission of the clause specifically denying the Board control of the use of the buildings outside school hours.

This seemed to indicate a pronounced swing towards secularism in Queensland in the 1850s and 60s. The events of the 1880s and 1890s, however, suggest rather that for most of the population it was less a shift towards a radical secularism than a desire to get away from the social divisiveness, the inefficiencies and ineffectiveness of separate denominational systems of education. These were wasteful even in closely settled areas of the state, and were quite unable to provide education in the sparsely settled regions. It was more a desire to escape from sectarianism rather than wanting to move towards secularism. At the ideological level it was an attempt to move away from the sectarian rivalries that were dividing rather than uniting the emerging nation.

When it was realised that the decisions of 1860 and 1875 had gone beyond what people generally had intended — including the denominations and individual Christians who had originally supported the Acts — then a reaction set in, embodied in the Bible in State Schools League and its successful campaign.

This interpretation of the events in the period 1860 to 1910 is supported by the fact that in other states that did not move as quickly or as far down the secularist road, the reactions were not as strong as in Queensland. For example, campaigns to promote religious teaching in the state schools were unsuccessful in Victoria and South Australia. Similarly, limited state-aid to church schools was restored at the secondary level in Queensland in 1899, as against the 1960s elsewhere. A stronger and more determined action by a few produced a swifter reaction from the many when they found the result was neither to their liking nor what they expected.

Chapter 5

THE ABORIGINES

A major challenge for the churches and the state in nineteenth-century Queensland was the white occupation of the land with its dislocation of the original inhabitants. This chapter will look at the responses of the churches and the successive governments to this problem.

While reference will be made to various missions established by individual Christians and official church bodies, this will be done only to identify points of interaction between church and state — not to give any detailed treatment of particular missions, or to measure their success or failure in terms of Christian evangelism or human improvement.

The involvement of the church in the aboriginal question was not limited to official church structures. In this area of inter-racial relationships it was often individuals and small groups of Christians, motivated by their convictions, who spoke out, wrote letters, established missions, and interacted with governments. Those individuals and groups of Christians were as much a part of the church as its institutional structures, and must be considered in the total picture of church-state relationships.

When Queensland was separated from New South Wales in late 1859, white Australia had had seven decades of contact with the original inhabitants. That experience had been mostly negative. As white settlement proceeded throughout the country, tension and hostility between the white communities and the aboriginal tribes increased, with few stories of harmonious relations. It was inevitable that the churches and the state would become involved in what was a problem of human relationships, arising out of greed, misunderstanding, ignorance, and often enough, what is seen today as blatant racism.

COMMUNITY ATTITUDES IN 1859

James Cook in 1770 had been favourably impressed by the aborigines he encountered. He wrote in his journal,

From what I have seen of the Natives of New-Holland, they may appear to some to be the most wretched people upon Earth, but in reality they are more happier [sic] than we Europeans; ... The Earth and sea of their own accord furnishes them with all things necessary for life, ... they think themselves provided with all the necessarys of Life and that they have

no superfluities.¹

In his Instructions dated 25 April 1787, Governor Phillip was: '... to endeavour by every means possible to open an intercourse with the natives, and to conciliate their affections, enjoining all our subjects to live in amity and kindness with them ...'²

To 'live in amity and kindness' proved a vain hope for most white settlers, and was a flawed hope from the very beginning. It was based on the underlying assumption that the aborigines were not occupiers of the land which the settlers occupied in the name of the British crown. There was no thought that they were conquering an already occupied territory. There were no buildings of any permanency, there were no fences, there were none of the signs of land ownership and of a stable human society familiar to Europeans.³ It took nearly two hundred years before the white population came to understand something of the very intimate relationship between aborigines and the land. The result was that Phillip took possession of the entire country in the name of the Crown. White settlers assumed the right at any time to alienate the land from aboriginal usage, instantly negating most attempts at amity and kindness.

Reynolds has argued that it has been realised only in recent times that what the new settlers were engaged upon was really an undeclared war of conquest and occupation, which at times erupted into pitched battles.⁴ However, the term 'conquest' was applied from early in Australian history to what was happening, as is shown by the following quote from the *Courier* in 1848:

If we hold this country by right of *conquest*, and if that right gives us a just claim to its continued possession, we must be empowered to enforce our claim by the strong arm, when necessary. ...Order and rule *must* be maintained at any cost, ... and if this cannot be done by kindness and indulgence, it must be effected by the iron rod.⁵

Again in 1876 the term appeared in an editorial in the *Courier*, discussing the Native Police:

Throughout the far north and the north-western districts there can be no doubt that we still hold possession by virtue of a kind of *conquest*. If the aborigines were more civilised than they are, we should either make treaties with them, or we should be at open war with them. It

-
- ¹ Quoted in C. M. H. Clark, *A History of Australia*, vol. I (Melbourne, 1963), p. 51, from J. C. Beaglehole ed. *The Journals of Captain James Cook on his Voyages of Discovery: The Voyage of the Endeavour* (Cambridge: for the Hakluyt Society, 1955), pp. 395-9.
 - ² *Historical Records of New South Wales*, vol. I. 2 (Sydney, Government Printer, 1892), p. 89.
 - ³ Such evidence was found for example in New Zealand with the Maori population.
 - ⁴ H. Reynolds, *The Other Side of the Frontier : An Interpretation of the Aboriginal Response to the Invasion and Settlement of Australia* (Townsville: James Cook University, 1981), pp. 79-104.
 - ⁵ *Courier*, 9 December 1848 (emphasis added).

would then be either peace or war on certain terms ...⁶

Reynolds rightly points out that for their part the aborigines did not realise the long-term significance of these events:

Throughout Aboriginal Australia the appearance of strange blacks carried the threat of revenge killing, abduction of women or the exercise of potent magic. *But it did not portend the forced dispossession or exile from the homeland.* While conflict was ubiquitous in traditional societies territorial conquest was unknown. *Alienation of land was not only unthinkable, it was literally impossible.* If blacks often did not react to the initial invasion of their country it was because they were not aware that it had taken place. They certainly did not believe that their land had suddenly ceased to belong to them. ... they never conceded the major premise of the invasion.⁷

As settlement spread further from Sydney the occupation of the land led inevitably to frequent conflict and bloodshed. The aborigines had no reason for viewing the newly introduced cattle differently from the native kangaroos — that is, a legitimate source of food.

A further factor which was destructive of good relationships with the aborigines was their physical appearance. Many whites found their physique repugnant (see below). Coupled with the aborigines' way of life, it raised the question as to whether they were in fact human beings. And if they were not, then there was no reason why they should be treated differently from any other wild animals which needed to be fenced out, and if necessary, killed off.

The *Courier* in the 1850s upheld the idea of white supremacy and superiority. Complaining about atrocities committed by the blacks, the paper advocated that the whites exercise a 'lynch law', unless the blacks were brought to justice. 'That the race of Aborigines will die out there can be no doubt.' They must be taught to respect the 'paleface as a man of superior worth'.⁸ Two months later the editor again complained that at times the law came down too harshly on the whites, but was not applied equally to the aborigines. The occasion for this complaint was the killing in the Port Curtis area of one aborigine by another, apparently at the instigation of a white man. Only the white person was charged with murder.⁹

In November that year, a letter appeared from someone who signed himself 'Simon Sheepseye', taking a different approach. For him the aborigine was a human being at a lower level of development, needing time. It was only a few hundred years since

⁶ *Courier*, 6 April 1876 (emphasis added).

⁷ H. Reynolds, *The Other Side of the Frontier : An Interpretation of the Aboriginal Response to the Invasion and Settlement of Australia* (Townsville, 1981), p. 53 (emphasis added).

⁸ *Courier*, 2 February 1859.

⁹ *Courier*, 9 April 1859.

England was the home of pagan savages. The churches were doing nothing to help the blacks. The clergy were unwilling to 'leave the comforts of the settlement to spend a few hours in talking to the Aborigines. ... the Aborigines ought [not to] be expected to conform to European customs ...' The writer went on to commend Thomas Petrie, who had grown up among aborigines, and did not hesitate to engage in close contact with them, spoke their language, and was accepted by them as a reliable friend.¹⁰

By the 1860s it was not uncommon to find people regarding the aborigines as less than human. The *Courier* published letters defending those who saw the killing of aborigines as a 'sport' rather than murder, and suggesting that aborigines might be made to act as targets for 'rifle practice of our young and promising volunteers'.¹¹ A letter signed by 'Plebian' referred to aborigines as 'abhorrent creatures', having a 'disgusting appearance', and the writer doubted whether a human soul could be encased in 'such a vile carcass'.¹² Some in the churches took the view that the aborigines were pre-destined to damnation and hence killings were justified.¹³

The *Cooktown Independent* made references to the aborigines' sexual morality, apparently so different from white standards (if not white behaviour):

... every common decency, if not morality is being outraged in the suburbs, and we are astonished that the ministers of religion have not denounced [their] indecencies and orgies, those vile wretches who revel in black lewdness.¹⁴

Evans points out that the same paper conveniently ignored sexual atrocities committed by white settlers against aboriginal women and girls.

Some correspondents took a more positive view, as in a letter signed by 'Philanthropist':

... After taking unlimited possession of their country, compelling them to vacate their former haunts and abodes, and necessarily destroying to a great extent the means by which they were wont to subsist — to say nothing of the physical and moral injuries inflicted on them by their contacts with Europeans, we think that the least the Government could do would be to see that the few original inhabitants of this country were suitably clothed and fed, and to devise some means for endeavouring to improve and benefit their general condition.¹⁵

Many early settlers in Queensland established a reputation as having a harsh approach

¹⁰ *Courier*, 2 November 1859.

¹¹ *Courier*, 23 February 1861.

¹² *Courier*, 30 May 1862.

¹³ *Courier*, 28 February 1861.

¹⁴ Quoted in Kay Elizabeth Evans, 'Marie Yamba, Bloomfield and Hope Vale: The Lutheran Missions to North Queensland Aborigines, 1886-1905,' *Queensland Heritage* 2.6 (1972), p. 26.

¹⁵ *Courier*, 14 July 1860. While the attitude of this correspondent is positive, yet it still displays a very patronising outlook, assuming that the natives were not properly clothed and fed previous to the coming of the white man! They only 'subsisted', they did not 'exist'.

to the aboriginal population. In 1863 Bishop Polding (Sydney) commented,

... unless means are used which our Liberals repudiate, the black savage will be exterminated to make place for a white savage — far more ruthless. They are shot down in Queensland like wild dogs — and with as little remorse. Even poison has been used lately.¹⁶

More severe still was a letter from Sir Arthur Gordon to Gladstone, written in 1883, at the time when moves were afoot for the annexation of New Guinea by Queensland:

I can hardly conceive any Government more unfit for such a task. ... In no case do I think the rule of a vast nation's native population can be safely entrusted to a small and, for the most part, ignorant, and selfish oligarchy, of another race, having interests directly opposed to those of the natives themselves; ...

No right in the soil is recognized in the native, and when, about three years ago, the whole of the islands along the south coast of New Guinea were, almost silently, appropriated by Queensland, the first act of the Government was to advertise them for sale at five shillings per acre wholly regardless of the fact that they were the homes and property of many hundreds of natives.

The habit of regarding natives as vermin, to be cleared off the face of the earth, has given the average Queenslander a tone of brutality and cruelty in dealing with 'blacks' which it is difficult for any one who does not know it, as I do, to realise — I have heard men of culture and refinement, of the greatest humanity and kindness to their fellow whites, and who when you meet them at home would pronounce them incapable of such deeds, talk, not only of the wholesale butchery (for the iniquity of that may sometimes be disguised from themselves) but of the individual murder of natives, exactly as they would talk of a day's sport, or of having to kill some troublesome animal.¹⁷

Editorials in the *Courier* in the 1860s were more sympathetic than they had been earlier. In 1861, having referred to blankets of inferior quality being given to aborigines, the editor commented:

It may seem a small matter to some people that the blacks have been thus treated. Magistrates who assume to themselves the power of giving persons authority to shoot blacks; native police lieutenants of a sporting turn of mind; constables who visit a supposed contumacy with a bullet; and squatters who 'dose' flour occasionally for the fun of the thing, may laugh at the idea of a daily journal finding fault with the authorities for giving the blacks a worthless blanket ...

... We simply wish to see the Aborigines treated with common justice, and to stay the hand of those who would indiscriminately slaughter decrepit men and women, and harmless children. The character of our race is questionable in its superiority, when we, as civilized men, treat them as they, as mere savages, would treat us; ...¹⁸

In November, following the killing of several blacks west of Brisbane, the editor

16 Polding to Salvado, [n.d.] 1863, quoted in E. M. O'Donoghue, 'A Study in the Life and Work of John Bede Polding' (Ph.D. thesis, University of Queensland, 1977), pp. 511-512.

17 Gordon to Gladstone, 20 April 1883. BL, *Gladstone Papers*, ADD. 44321, ff. 157-163. Gordon was a one-time Private Secretary to Gladstone, and served later as Governor of Fiji, New Zealand, and finally Ceylon. Gladstone wrote to Derby later in the year, referring to racist pamphlets from Queensland which he thought might be useful in the New Guinea controversy. BL, ADD. 44546, f. 157.

18 *Courier*, 21 June 1861.

commented, 'Can the Aborigines be expected to have any regard for human life, when, as at Fassifern and elsewhere, they are indiscriminately murdered in cold blood?'¹⁹ Three weeks later there was a recognition of the aborigines' right to the land:

We may not, and do not, respect the right of the aborigine to his native soil, but he *has* such a right nevertheless, and the British nation has been compelled to admit such a right in the case of Aboriginal races. The black *knows* he has this right; he looks upon the whites as intruders ...²⁰

It is evident from the foregoing that at the time of separation in 1859, most people in the colony had moved a long way from the optimistic views of Cook, Phillip, and the British government of the 1780s. There were still a few idealists who believed that the white and black populations could live in harmony. There were Christians and other humanitarians who condemned unnecessary violence towards the natives, but few who questioned the basic assumption that the British Crown had the *right* to annex and occupy the country.

THE STATE AND THE ABORIGINES AT SEPARATION

The governments had been involved with the aborigines from the beginning, even before the settlement began. As pointed out above, the King's instruction to Phillip, bidding him to 'enjoin all our subjects to live in amity and kindness' with the aborigines, was nullified when Phillip took possession of the entire country for the crown. This made it legal in British eyes for rapidly spreading settlement of the countryside, with its consequent dislocation of aboriginal tribes. When they resisted, the result was bloodshed, followed by revenge killings by blacks against whites.

The state then was involved on the one hand in protecting its white citizens from revenge attacks from the aborigines. On the other hand, Phillip's commission implied that it had a duty to protect the natives, having at times to rise above community prejudice.

The Native Police

In 1859, the only real element of a policy designed to achieve those objectives was the maintenance of the Native Police Force, which the Queensland government inherited from New South Wales. Queensland was behind the other colonies, which had all appointed Protectors of Aborigines, as had been directed by the Secretary of State for the Colonies in 1837. No appointments had been made by New South Wales in respect

¹⁹ *Courier*, 16 November 1861.

²⁰ *Courier*, 6 December 1861.

to its settlement at Moreton Bay, presumably because the area was closed to free settlers until 1842. Reid argues that the policy of the New South Wales government in the 1830s and 1840s was to save money by leaving the aboriginal problem in the northern areas to the missionaries to solve:

The first missionaries arrived in Queensland with the support and encouragement of the [New South Wales] Government, which was content to leave the management of Aboriginal-European relations to local officials and the Lutherans, rather than establish a Protectorate as had been done in the Port Phillip District.²¹

While settlement had been restricted in the Moreton Bay area, the surrounding districts, especially the Downs, had been settled to a limited extent by people moving in from the New England and Hunter Valley districts. By 1859, this had given rise to the powerful political group of squatters who dominated the first parliament, the 'Pure Merinos' of the Darling Downs.²²

At separation, the Queensland treasury was virtually empty, and the only readily available asset was land. The Land Act of 1860 quite deliberately opened up the state to rapid expansion — cotton plantations on the one hand and pastoral leases on the other.²³ By 1866 large areas had been settled, though the white population was sparse in many parts. Only Cape York and the far western areas were unaffected. Within a short space of time, a large percentage of the aboriginal population in Queensland was forcibly dispossessed.²⁴

Reid argues that even before separation, the policy of the New South Wales government of leaving the solution of the aboriginal problem in the north to the missionaries had failed.

... by the end of the 1840s it was clear that this policy had failed. ... there was no clear evidence that any Aborigine had been Christianised. The frontiersmen could now argue ... that the Aborigines were irredeemable. By the end of the 1840s the problems of frontier violence had to be solved by force.²⁵

The required force was applied by the settlers and the Native Police recruited for the

²¹ Gordon S. Reid, 'Queensland and the Aboriginal Problem, 1838-1901' (Ph.D. thesis, Australian National University, 1986), p. 15.

²² Because of an administrative blunder in the Colonial Office, the universal manhood suffrage which had been in force in New South Wales in 1859 was not given to Queensland at the time of separation. Instead, a suffrage based on a property qualification enabled wealthy squatters to control the parliament for several years. See George P. Shaw, 'Filched from us ...': The Loss of Universal Manhood Suffrage in Queensland 1859-1863' in *The Australian Journal of Politics and History* 26.3 (1980), 372-73.

²³ R. Fitzgerald, *From the Dreaming to 1915: A History of Queensland* (Brisbane, 1982), pp. 132-33.

²⁴ *ibid.*, pp. 134-43.

²⁵ Reid, *ibid.*, p. 35.

purpose. As indicated above, the Native Police Force constituted the main element of aboriginal policy inherited by the Queensland government in 1859, and this remained so for many years.

Controversy surrounded the Native Police Force from its origin in southern New South Wales in 1848. Founded and led by Frederick Walker as a semi-private force which quickly gained government support, it extended its operations into the northern areas in 1849. It quickly suppressed aboriginal resistance and gained a reputation for ruthlessness. Walker himself had a rough sense of justice, and tried to ensure that blacks were treated equally before the law. That gained him some enemies amongst the squatters. He was a disciplinarian, which antagonised some of his fellow officers. Liberal critics were outraged by what they saw as atrocities committed against the blacks, and those three groups were able to secure his dismissal in 1854. Walker continued to criticise government policy which he believed worked solely to the advantage of the squatters against the aborigines. He died in 1866. While Walker was in control, 'the Native Police may have actually prevented Aboriginal extermination by the Queensland squatters.'²⁶ The force reached its maximum strength of 250 in 1874.²⁷

The native police gained a reputation for ferocious suppression of aborigines by natives drawn from opposing tribes, led by a few white officers. In 1865 it was stated,

In Queensland there has always been more destruction of the blacks in occupying new country than in any other colony. ... it has been wholesale and indiscriminate and carried on with a cold blooded cruelty on the part of the whites unparalleled in the history of these colonies.²⁸

On the other hand, it could be argued in favour of the *concept* of a strong para-military police force that had it been even stronger and better disciplined, it *may* have prevented many of the killings on both sides as settlement proceeded throughout the state. The reality was different. The Native Police force was unable to keep the peace between the races, and usually came on the scene only after trouble had erupted. When called on to 'pacify' an area, that meant killing and dispersing the aboriginal population.

As the nineteenth century progressed, stories of atrocities by both the Native Police and settlers against the aborigines mounted.²⁹ The government had to enter more

²⁶ R. Fitzgerald, *From the Dreaming to 1915: A History of Queensland* (Brisbane, 1982), p. 141.

²⁷ Michael A. Endicott, 'A History of the Roman Catholic Vicariate of Cooktown, 1877-1941' (Ph.D. thesis, University of Queensland, 1984), p. 295.

²⁸ Quoted by Fitzgerald, *ibid.*, pp. 140-41, from G. S. Lang, *The Aborigines of Australia: In Their Original Condition and in Their Relations with the White Men* (Melbourne, Wilson & McKinnon, 1865), pp. 45-46.

²⁹ 'In the absence of law, the squatters took their own vengeance, and it was devastating.... in

deliberately into aboriginal affairs, and so both church and state became actively involved in seeking to resolve the situation. It was convenient and desirable that these two bodies should have a good working relationship.

THE CHURCHES AND THE ABORIGINES AT SEPARATION

The churches were under a strong imperative to proclaim the Christian teaching to all people. As indicated in an earlier chapter, the group in England responsible for the appointment of Richard Johnson as chaplain to the First Fleet had as its agenda that he should act as a missionary in the South Seas. In the event Johnson was able to do very little. However, individuals within the churches did attempt to convey the Christian gospel to the aborigines, albeit with little success. The lack of success led to pessimism regarding the possibility of ever raising the aborigines from a state of barbarism and what was interpreted at the time as irreligion.

In an address by W. G. Broughton to his clergy in 1829, the newly arrived Archdeacon of Sydney touched on the subject of the aborigines.

[He] ...admitted their condition had shocked him: at best they remained in their original benighted State; all too often they had been reduced to a State of barbarian wildness by a fondness for intoxicating liquor ...It was an appalling legacy for a half century of contact with a Christian people.³⁰

By 1835 his views had changed. He no longer blamed his Christian brethren for their lack of success in converting the natives to Christianity. As did many people, as the century wore on, he saw the aborigines as a doomed race. Shaw summarises his answers to questions from a Select Committee in London that year: 'The Australian Aborigines were a quick and intelligent people for whom the Europeans had done no good'; their cultures were incompatible; he did not see any alternative to allowing those who came into contact with Europeans to die out.³¹

The view of Polding, the first Catholic bishop of Sydney, was more critical of white society. Commenting on Polding's statements, Compton writes,

1865, the Halifax Bay tribe numbered some 500 — fifteen years later it totalled twenty-two.' Raphael Cilento and C. Lack, eds., *Triumph in the Tropics: An Historical Sketch of Queensland* (Brisbane, Smith and Paterson Pty. Ltd., 1959), p. 185. Also, 'As soon as it was known, the Native Police, under sub-inspector Uhr, went out and... succeeded in shooting upwards of thirty blacks.... Everybody in the district was delighted with the wholesale slaughter dealt out by the Native Police, and thank Mr. Uhr for his energy in ridding the district of fifty-nine Myalls.' *Port Denison Times*, 4 June 1868, quoted in R. Fitzgerald, *From the Dreaming to 1915: A History of Queensland* (Brisbane, 1982), p. 142.

³⁰ G. P. Shaw, *Patriarch and Patriot: William Grant Broughton 1788-1853* (Melbourne, 1978), p. 23.

³¹ *ibid*, p. 93.

In November, 1839, he wrote an article for the *Australasian Chronicle* deploring ... the fact that the aborigine's life was valued 'no more than the life of a kangaroo, and far less ... than that of a bullock ...' ... he ...decried the double standards of justice with regard to aborigine and white offenders: Aborigines were shot out of hand for stealing sheep or cattle, whereas their white counterparts were given a trial, and death was not the penalty for those found guilty.³²

The first missionary in Queensland was J. C. S. Handt, a Lutheran minister sent by the government as Anglican chaplain to the Moreton Bay penal settlement in 1837. He was also appointed to work with the aborigines in the area.³³ Previously he had served with the Church Missionary Society, working in the Wellington Valley where he commenced a mission subsidised by the New South Wales government.

The first organised attempt to establish a mission in Queensland came in 1838 on the initiative of John Dunmore Lang, the Presbyterian leader in Sydney. Having sought unsuccessfully in Britain for recruits, he induced the Gossner Mission in Germany (Lutheran) to send out a team of mainly lay artisan missionaries to carry the Christian message to the aborigines. They established their mission at what they called 'Zion Hill' near Nundah, where they tried to encourage the local aborigines to settle down to agricultural pursuits and send their children to school. The settlement's commandant reported in 1841 on their work:

They have, so far, had no influence on their morals or habits. They have been nearly starving, and I issued 1050 lb. of flour from the stores. The Rev. Mr. Handt has been nearly four years exerting himself without doing any good, and the missionaries are much less likely to accomplish anything.³⁴

Handt was in a more favourable position than the group at Zion Hill, having ready access to government rations:

The two cwt. of biscuit, which I receive from the Government for a reasonable price, is a great assistance to us in providing for the Aborigines. By these means we have the children daily around us; and thus we have it in our power to instruct them ...³⁵

Within a few years the Zion Hill mission had failed, and the missionaries dispersed, a number of them turning to farming near Caboolture.³⁶

³² 'Polding—Man of Compassion', *Australasian Catholic Record*, January 1977, p. 30.

³³ A. G. L. Shaw and C. M. H. Clark, eds. *Australian Dictionary of Biography*, vol. 1: 1788-1850 (Melbourne, Melbourne University Press, 1966), s.v. 'Handt, Johann Christian Simon (1794-1863)', by K. Rayner.

³⁴ A. Meston, *Queensland Aborigines: Proposed System for their Improvement and Preservation, Addressed to the Honourable Horace Tozer, Colonial Secretary of Queensland* (Brisbane, 1895), p. 8.

³⁵ Jean Woolmington, 'Early Christian Missions to the Australian Aborigines — A Study in Failure' (Ph.D. thesis, University of New England, 1979), p. 137, from Handt's Journal, 31 January 1839.

³⁶ W. N. Gunson, 'The Nundah Missionaries', *Journal of the Royal Historical Society of Queensland*, VI.3, (1960-61), pp. 529-30.

The next attempt came in 1843, when four Catholic Passionist priests were sent by Bishop Polding to establish a mission on Stradbroke Island. The government provided the missionaries with land and sixty pairs of blankets, but no financial help. It too was a failure, three of the four leaving in 1846, the last a year later. From the church's point of view the mission was hardly a success. Three infants had been baptised, but there were no adult conversions. Polding tried again in 1858, this time with a plan for a mission near Maryborough, but his plan lapsed when he was unable to staff it.³⁷

J. D. Lang sent William Ridley to the northern districts in 1855. Ridley had been recruited by Lang, and had arrived in Sydney from England in 1850. Lang ordained him and appointed him to the Presbyterian Church in Dungog. In 1853 he began an itinerant ministry in the New England area, which brought him into contact with aborigines, and gave him an interest in their languages. In 1855 he founded the Moreton Bay Aboriginal Friends' Society in Brisbane.³⁸

Ridley was joined by Gottfried Hausmann, one of the German lay missionaries who had gone to Nundah in 1838. Hausmann had since been trained and ordained by Lang in Sydney. He saw Ridley's work as the continuation of the mission at Nundah, and expressed confidence in its eventual outcome.³⁹

Ridley travelled extensively in southern Queensland and northern New South Wales, studying the aboriginal languages of the area and observing the conditions of the aborigines displaced by the white settlers, and forced by hunger to spear the cattle of the settlers.

How can such a State of affairs be prevented? The squatter has a licence from the crown to occupy the country with his cattle; and unless his cattle are secure from the visits of the blacks they will not stay on the run. He argues thus: 'The licence entitles me to make sure of the benefit to be derived from depasturing the run; and the run is useless while the blacks roam over it; so that the licence, if worth anything, includes the right to order them away.' The question then arises, whether it is not the duty of the Government, on assuming the

³⁷ The four priests, three Italians and one Swiss, had returned with Polding from a visit to Europe in 1843. Gray mentions as one reason for the failure a dispute with Polding over jurisdiction. The Passionists insisted on taking their directions from their Superior in Rome. The children baptised had been born to an Irish father and an aboriginal mother. See V. L. Gray, *Catholicism in Queensland* (Brisbane, Roberts and Russell, 1910), pp. 54-55; J. Woolmington, "Writing on the Sand": The First Missions to Aborigines in Eastern Australia', in T. Swain and D. B. Rose, eds., *Aboriginal Australians and Christian Missions* (Adelaide, The Australian Association for the Study of Religions, 1988), p. 84; Michael A. Endicott, 'A History of the Roman Catholic Vicariate of Cooktown, 1877-1941' (Ph.D. thesis, University of Queensland, 1984), p. 18.

³⁸ N. B. Nairn, A. G. Serle, and R. B. Ward, eds., *Australian Dictionary of Biography*, vol. 6: 1851-1890 (Melbourne, 1976), s.v. 'Ridley, William (1819-1878)' by Niel Gunson.

³⁹ 'I am happy to state that the German Mission at Moreton Bay is not in vain, if the missionary cause which has of late again been revived by Mr. Ridley's arrival in the Moreton Bay district is properly carried on.' W. N. Gunson, 'The Nundah Missionaries', *Journal of the Royal Historical Society of Queensland*, VI.3 (1960-61), pp. 530-31.

ownership of the land, by granting licences to occupy it, to see that the human beings who have been wont to get their living off the land thus taken up, have at least a supply of food provided for them equal to that of which they have been deprived by the introduction of the licence-holder?⁴⁰

The 'duty' of the government which Ridley identified was in fact taken up by individual settlers and governments later in the century, and formed part of Meston's proposals in 1895.

The early missions, both before and after self-Government ... did offer some protection and succour for Aborigines dispossessed by squatters and abused by Native Police. But they linked long-term survival with the acceptance of Christianity, and the Aborigines were not then prepared to make any such drastic cultural adaptation.⁴¹

On 27 December 1859, the *Courier* reported on a gathering held in Salisbury, England, addressed by Tufnell, the newly appointed Bishop of Brisbane. The report said in part,

The Right Rev. Prelate then referred to the endeavours which he should make to extend Christ's kingdom to the native inhabitants of Australia. He observed that as a Christian nation we owed the poor Australian savage a great debt. People sometimes said we had no right to have taken possession of Australia, and to have deprived the poor native of his hunting fields. His view of the matter, however, was that they had full authority in the Bible for what they had done. The command addressed to our first parents was to go forth and multiply, to replenish the earth and subdue it. Now the Australian savage did not fulfil the terms of that charter — he did not subdue the earth with the plough and the spade, so as to render it capable of maintaining those who might take up their abode upon it. The conviction of his soul was, that Englishmen were justified in taking possession of that land. ... But ... We were not to enjoy the land without also accepting the solemn charge of *affording to the Australian native, in return for his hunting fields and his forests, the blessings of the Gospel of Christ.*⁴²

Tufnell was not alone in holding this point of view.⁴³ Given such a degree of ignorance and misunderstanding of aborigines in the appointed leader of the largest denomination in the new colony, it is not surprising that little headway was made for several decades to come.

People's consciences were made easier by 'social darwinism'. The belief in the survival of the richest and the fittest, popular in the 1860s-70s, led to the view that the aborigines were a 'doomed race'. The white person was a superior being to the aborigine, and so it was inevitable and right, given the laws of nature, that the latter

⁴⁰ W. Ridley, 'Journal of a Missionary Tour among the Aborigines of the Western Interior of Queensland, in the Year 1855, by the Rev. William Ridley, B.A.', in J. D. Lang, *Queensland, Australia; A Highly Eligible Field for Emigration, and the Future Cotton-Field of Great Britain; with a Disquisition on Origin, Manners, and Customs of the Aborigines* (London, E. Stanford, 1861), Appendix I, p. 440.

⁴¹ Gordon S. Reid, 'Queensland and the Aboriginal Problem, 1838-1901' (Ph.D. thesis, Australian National University, 1986), pp. 15-16.

⁴² *Courier*, 27 December 1859 (emphasis added).

⁴³ Three years earlier John Dunmore Lang had used the same argument to justify the white occupation of the continent. *Courier*, 19 January 1856.

must disappear.⁴⁴ The view was held by some church leaders — Archbishop Dunne came close to holding this view; Bishop Frodsham (Anglican) and the Presbyterian Assembly gave expression to it (see below, pages 138, 148).⁴⁵ It had the effect of making some missionaries fatalistic and pessimistic as to what they might achieve. 'All the mission can really achieve for them is a kind of Christian burial service, a kind of promising sunset glow, which cannot be followed by any bright dawn in this life here on earth.'⁴⁶

Not all Christians were so pessimistic, however. In a letter to the *Courier* signed 'W. H.', the writer urged the churches to take up their cause:

... It has been said in general that all efforts to Christianise and civilize this nation have been in vain. I for my part say the contrary, because I cannot believe such an assertion. As long as we are convinced that they are men, and not orang-outangs ... we are compelled to believe that they are included in the plan of salvation. ... if possible, Government should allot and make over to the natives a portion of the country; ...[and] place a few missionaries or teachers among them ... It is the duty of the Church of Christ to pray for and believe in success, because there is nothing impossible for Almighty God. If Government would take a portion of that money which was lately applied to State aid to religion, and spend it for the Aborigines in such an establishment, I do not doubt that it would ultimately be crowned with success.⁴⁷

The policy of the churches tended to parallel that of the government, which in 1859 amounted almost to not having a policy at all. Apart from having a general feeling that something should be done, and some expressions of sympathy for the plight of the original inhabitants, there were few practical ideas of what could be done. In the latter part of the nineteenth century and well into the twentieth, the churches favoured a policy of 'protection' for the aborigines. Many accepted that they were a dying race, and the role of the church was to 'smooth the dying pillow', as Frodsham expressed it in 1906.⁴⁸

As evidence of white settlers' cruelty and their demoralising influence upon the aboriginal population mounted through the nineteenth century, the Christian/humanitarian convictions compelled a few individuals to come to their protection, frequently with little support from their denominations and official mission bodies. These will be outlined below.

⁴⁴ *Courier*, 7 August 1865.

⁴⁵ N. Byrne, *Robert Dunne 1830-1917: Archbishop of Brisbane. A Biography* (St. Lucia, 1989), p. 199.

⁴⁶ From N. A. Loos, 'A Conflict of Faiths: Aboriginal Reactions to Christian Missions in North Queensland', in *Lectures on North Queensland History*, 2nd Series, edited by D. J. Dalton (Townsville: James Cook University, 1975), p. 49.

⁴⁷ *Courier*, 14 June 1861.

⁴⁸ B. Phillips, *The Church's Involvement in Aboriginal Affairs* (Document prepared for Uniting Church in Queensland, 1981), p. 2.

ANGLICAN INITIATIVES

Soon after his arrival in the colony, Tufnell reiterated what he had said in Salisbury in 1859, that the church had a duty to take the Christian gospel to the aborigines. This was an optimistic statement in view of the lack of success which had attended such ventures in earlier years, and the anti-aboriginal sentiment which had built up in many sections of the populace since the first settlement in Sydney.⁴⁹

One of the first recorded initiatives in Queensland by an Anglican in respect to the aborigines was an attack on the sale of liquor to blacks by J. H. Fletcher in 1861.⁵⁰ There is no evidence of his attack having any effect, but at least he did point to what came to be recognised as a serious menace to the aborigines.

In December 1861 Governor Bowen wrote to the Secretary of State for the Colonies reporting on a massacre carried out by aborigines on white settlers about four hundred miles north-west of Brisbane. He spoke of the need to civilise the aborigines, and suggested the establishment of a missionary cotton plantation. He suggested that an approach should be made to the Society for the Propagation of the Gospel to sponsor a mission, with help from the Queensland government. He added that Tufnell had promised to support such a venture. It would help satisfy the conscience of the state 'which now possesses the territory over which these few Aboriginal tribes formerly wandered; for it would be incorrect to state they ever in any strict sense, occupied it'.⁵¹

A letter from the Secretary of State went to the Society in March 1862, with Bowen's request supported by Newcastle, but apparently nothing was done. A further letter in November 1864 referred to the earlier letter relaying the Governor's request. It was stated there that the bishops of Sydney and Brisbane as well as the Queensland government were behind Bowen's request, and made reference to another dispatch from the Governor — 'I am also to enclose an extract of a further dispatch from Bowen calling attention to the urgent want of religious instruction experienced by the large Aboriginal population of Queensland.'⁵² Further correspondence followed in 1865, but the Society remained unwilling to divert funds from other areas.

The British government was becoming impatient with the Queensland government's treatment of the aborigines. A letter from the Secretary of State to Bowen in 1867

⁴⁹ *Queensland Guardian*, 8 September 1860.

⁵⁰ *Queensland Guardian*, 13 July 1861.

⁵¹ Bowen to Newcastle, 16 December 1861. PRO, CO234/5, ff. 192-210.

⁵² Fortescue to Hawkins, 17 March 1862. PRO, CO423-2, ff. 110-112; Rogers to Hawkins, 10 November 1864. PRO, CO 423-2, ff. 244-245.

contained a blunt criticism of a Minute of the Executive Council in Brisbane:

The opinion is recorded there that it is only by the systematic exertions of the Missionary Societies that the Aborigines of North Australia can be converted to Christianity; and the hope is expressed that the Secretary of State for the Colonies will use his influence with the principal Missionary Societies in England in favour of these Aborigines 'who appear to have been much more neglected than any other heathen subjects of the British Crown.'

I observe that my predecessors have not failed on previous occasions to bring to the knowledge of these Societies the views of your Government. But I cannot help observing that the duty of extending Christianity to these unfortunate savages whose grounds are rapidly occupied and themselves scarcely less rapidly extinguished by the progress of the prosperous settlement in Queensland, *rests in the first instance not on a voluntary society of residents in Great Britain but on those for whose advantage these people are disappearing.* It is not impossible that those who are charged with the duty of giving direction to the bounty of the English Church may be affected by the consideration that *more might have been done in the first instance by those on whom the obligation of benevolence first falls.*⁵³

In the *Courier* of May 1862, a few months following the original dispatch from Bowen, a report appeared which was possibly connected with Bowen's request. It referred to a proposal for a missionary to itinerate through Queensland. A small amount of government support was said to have been promised, but the article complained that the paltriness of the aid offered assured its failure. The writer called for a more generous approach by the government.⁵⁴ Nothing appears to have come from the proposal. Suggestions apparently continued to be made along similar lines for next few years.

Maritime concerns caused the Imperial and Queensland governments to establish a government station at Somerset in the Torres Strait in 1864. Because of friction with the local aborigines, the Executive Council approached the Society for the Propagation of the Gospel to provide a missionary for the area.⁵⁵ Possibly because the request was supported by the Imperial government, the Society on this occasion agreed to set aside three hundred pounds per annum for a missionary and one hundred and fifty pounds for an industrial schoolmaster at Somerset. To this was added a small amount of Queensland government support. In spite of dedicated efforts by the missionary, the Reverend F. G. Jagg, who arrived from Britain in 1867, and some temporary successes, he withdrew after a year because of ill-health and financial worries. The settlement declined and the government transferred it to Thursday Island in 1877.⁵⁶

53 Carnarvon to Bowen, 6 February 1867. PRO, CO.423-3, ff. 13-15 (emphasis added).

54 *Courier*, 27 May 1862.

55 *Votes and Proceedings*, 1867 2nd session, pp. 983 ff.

56 The schoolmaster, W. I. Kennett, stayed a little longer until 1868. W. Lees, *The Aboriginal Problem in Queensland: How it is Being Dealt With: A Story of Life and Work under the New Acts* (Brisbane, City Printing Works, 1902), p. 2 ff. Jagg to Bowen, 4 February 1867; Jagg to Colonial Secretary, 4 February 1867, QSA COL/A90 67/916; Jagg to Colonial Secretary 16 January 1868, QSA COL/A100 68/143. Also Keith Rayner, 'Attitudes and Influences of the Churches in Queensland on Matters of Social and Political Importance. 1859-1914' (B.A. thesis,

Another suggestion for action by the Anglican church came in April 1864, from the missionary bishop, Patteson, who headed the Melanesian Mission at work amongst the Pacific island communities. At a meeting in 1864 he suggested that a station be established in the far north as part of the Melanesian Mission, to serve as a base for work amongst the aborigines.⁵⁷ This proposal gained the support of a number of leading citizens, including Herbert, the Colonial Secretary. Just prior to Patteson's proposal, Herbert had received a letter from J. C. White, who urged action on behalf of the native people, and gained the support of Bowen. (see below, page 158 for details). At Herbert's suggestion, Parliament resolved that land should be granted for the establishment 'of missions or industrial schools' for the 'amelioration of the Aborigines'. However, the proposal was before its time for both state and church — nothing came of it, possibly due to lack of financial support.

Tufnell was succeeded in 1875 by Mathew Hale as Anglican bishop. Hale was well known for his earlier work amongst aborigines at Poonindie in South Australia, and was expected to show a similar interest in Queensland. However, he was then in his later years, and did not play as active a role in aboriginal affairs as he had previously. In 1876 he was appointed as Chairman of the Aboriginal Commission, set up originally by the government in 1874, with church representation, to look at the aboriginal situation in the state and to make recommendations (see below, pages 159, 170). These, when they came, were in the direction of establishing reserves, providing for education, and protecting the aborigines from the worst effects of contact with Europeans. Little was achieved, however, because of the refusal of the government to grant funds.

In his presidential address to the Brisbane Synod in 1882 Hale spoke out against those who opposed attempts by the church to improve the lot of aboriginal people, but still little if anything eventuated.⁵⁸ Later that year he spoke on the aborigines to a Church of England Congress in Melbourne, arguing in effect that it was the church's duty to comfort a dying race, and to protect them from violence.⁵⁹ The next mention of the subject in Synod records is six years later, when Nathaniel Dawes, then Archdeacon in Brisbane, lamented the lack of activity.⁶⁰

University of Queensland, 1951), pp. 119-120.

57 *Queensland Daily Guardian*, 9 April 1864, also Keith Rayner, 'Attitudes and Influences of the Churches in Queensland on Matters of Social and Political Importance. 1859-1914' (B.A. thesis, University of Queensland, 1951), p. 119.

58 *Proceedings of Synod*, 1882, p. 10.

59 *Courier*, 22 November 1882.

60 *Proceedings of Synod*, 1888, p. 8.

The first Anglican mission to the aborigines was established in 1891 by J. B. Gribble at Yarrabah, known then as 'Bellenden Ker'. Gribble had had extensive experience in establishing missions in the south, and this brought success to the new venture. He died in 1893 due to malaria, and the oversight of the mission was carried on by his son, E. R. Gribble. During the period under review Yarrabah stood pre-eminent amongst Anglican missions to aborigines.⁶¹

In 1896, on the advice and urging of Archibald Meston, the government removed a number of aborigines from near centres of white population and resettled them on Fraser Island. This was not a successful venture, and in late 1899 the government asked several denominations to take over the settlement and establish a mission with government support. In 1900 the Diocesan Board of Missions and the Australian Board of Missions decided to undertake the work.⁶²

For various reasons the mission on Fraser Island had a chequered existence. The site turned out to be unsuitable for cultivation; there were frequent changes of staff; the distance from the mainland made communications and supply difficult. When the government notified the church in April 1904 that financial support was to be reduced, the mission was closed and most of the aborigines were transferred to Yarrabah.⁶³

In 1902, a large grant of land, some six hundred square miles, was given by the government to the Bishop of Carpentaria, Gilbert White, for the establishment of an aboriginal reserve in the Mitchell River area. A mission station was established in June 1905, again with the assistance of E. R. Gribble. An offshoot of the Mitchell River mission was the establishment of another at the Forrest River.⁶⁴

Also in 1902, Yarrabah, together with Mapoon (Presbyterian mission, see below pages 149-150), was declared by the government to be a reformatory to which aboriginal offenders would be sent by the courts.⁶⁵ By 1911, sixty percent of Yarrabah's population were offenders sent there by government order, causing problems for the

⁶¹ The mission was under the auspices of the Australian Board of Missions. See Keith Rayner, 'Attitudes and Influences of the Churches in Queensland on Matters of Social and Political Importance. 1859-1914' (B.A. thesis, University of Queensland, 1951), pp. 128-129. Also E. R. Gribble, *Fifty Years with the Aborigines*, (Sydney, 1930), p. 129.

⁶² E. R. Gribble gave some guidance, and high hopes were held for the new venture. *Proceedings of Synod*, June 1900, p. 70. Also R. Evans and J. Walker, 'These Strangers, Where Are They Going?': Aboriginal-European Relations in the Fraser Island and Wide Bay Region 1770-1905', *Occasional Papers in Anthropology*, No. 8, 1977, Anthropology Department, University of Queensland, pp. 84-87.

⁶³ *Chronicle*, 1 July 1904, 1 August 1904; *Proceedings of Synod*, May 1905, pp. 65-66.

⁶⁴ *Chronicle*, 1 February 1906; 1 October 1906; 1 November 1907; 2 June 1913; 1 August 1914; 1 January 1915; *Proceedings of Synod*, June 1907, p. 75.

⁶⁵ *Queensland Parliamentary Papers*, 1902, vol. II, p. 1138.

mission's administration.

In 1910 the Police Magistrate at Cairns criticised the mission on policy matters and for lax administration. Archbishop Donaldson responded to this attack in his Address to the Brisbane Synod in June of that year. He described it as echoing the attitudes of 'trading interests':

... the views it expresses are in some ways typical of the attitudes towards Missions in certain sections of the trading world ... Missionaries are not particularly popular in the North. ... [U]nquestionably the main ground for the unpopularity is that the Missionaries stand for a policy towards the Aborigines which does not suit the convenience of the trading world. ...

Mr. Grant (the Police Magistrate) in his report says: 'While recognising the benevolent intention of the Mission, I should prefer to see their efforts devoted entirely to the welfare of Aboriginal children, and aged blacks.' These represent a view commonly held. ... [the strong, healthy aborigines] are at once to be sent out to subserve the white man's interests. ... Yarrabah, like the Mitchell Station, and like Mapoon and Cape Bedford, is a Reserve declared by the Government, in which blacks of all ages and conditions shall live as a free people in the way most suited to their temperament ...

... Let us be plain in this matter. It is nothing but mere selfish regard for the white man's interests which prompts the proposal. In the dearth of domestic servants, these girls are regarded as desirable prizes. It is not the higher interests of the blacks and half-castes which are considered at all. ... I believe the Christian conscience of Queensland approves of [the mission's] work. I appeal to that conscience, to that Christian sentiment, to protect our Missionaries against the persecutions of worldly self-interest which threaten the very basic principles of it all.⁶⁶

While Donaldson paternalistically assumed that the white man knew what was best for the aborigine — 'the way most suited to their temperament' — his words were a forthright defence of the policy of protection adopted by the government and the churches.

Further critical reports of the Yarrabah mission surfaced in early 1911. In February the Home Secretary wrote to Donaldson reminding him of the church's obligations at Yarrabah, pointing out that the mission received 'a substantial grant from the State.'⁶⁷ That prompted the archbishop to vigorously defend the mission in the Synod that year again, a defence based on the fact that the government was using it as a reformatory. The criticism however did lead to an overhaul of the administration, with changes in personnel.

At the same Synod he noted with satisfaction the increasing interest being shown by the Federal government in response to deputations earlier that year. Also the Queensland government, the trade union movement, and the press were supportive of the work

⁶⁶ *Proceedings of Synod* (Brisbane, 1910), pp. 39-41.

⁶⁷ Under-Secretary-to-Home-Secretary to Donaldson, 27 February 1911. AA, Donaldson Correspondence.

being done by the missions. He called for greater firmness on the part of the government in protecting urban and fringe-dwelling aborigines from too much contact with the white population.⁶⁸

A deputation to the Home Secretary, J. G. Appel, on 23 June 1911 gave and received assurances regarding the future of the Yarrabah mission. A more optimistic report was made to Synod in 1912. At the request of the government, exhibits from Yarrabah and other missions were shown at the Brisbane National Agricultural Show in August of that year.⁶⁹

However, a tour of inspection of mission stations in the north of the state in 1914 led Appel to make scathing criticisms of the administration of Yarrabah. The problems, in his view, were caused by its divided administration and frequent changes in personnel. He threatened withdrawal of the subsidy unless improvements were made in both the facilities and the administration.

In 1916 the government agreed to the appointment of two Trustees for the mission, one appointed by the church and one by the government. It was hoped that this would give greater security of tenure. At the Synod that year it was reported that the government had declined to increase its annual grant of £700, even though it had increased its grants to government missions.⁷⁰ The grant was still the same in 1920, while the church was contributing £1320.⁷¹

The segregation of aborigines on mission stations was seen by the government and the churches at that time as necessary for the natives' protection. However, as Donaldson indicated in his Synod Address in 1910, it incurred the anger of some settlers, especially in the north of the state. The fishing and pearling industries wanted cheap labour on their boats, householders wanted cheap domestic labour — and so these groups attacked the missions from time to time (see above, page 143).

In all these missions, the work of the Anglican church amongst the aborigines benefited from the support given by the government in the areas of education, buildings etc. Because from 1902, the Yarrabah mission had been a reformatory for aboriginal criminals, giving it a stronger claim upon government funding.⁷² This government

⁶⁸ *Proceedings of Synod*, 1911, pp. 12-13.

⁶⁹ *Proceedings of Synod*, 1911, pp. 12-15; *Chronicle*, 1 July 1911; *Proceedings of Synod*, 1912, pp. 143-4.

⁷⁰ *Proceedings of Synod*, 1916, p. 162.

⁷¹ Report to Queensland Government by Superintendent of Yarrabah mission, QSA, C.O. 418-193, ff. 271-290.

⁷² *Queensland Parliamentary Papers*, 1902, vol. II, p. 1138.

support enabled the church to channel its own funds into the evangelistic work of the missions to a greater degree than would otherwise have been possible.

During the war the work was inevitably restricted, along with the rest of the church's activities. In 1917 the Governor's private secretary wrote to Donaldson regarding the aborigines and the need for the churches to do more (see below, page 167). He made several suggestions and commented that the estimates just published by the government had cut down the amount voted for government settlements.

To summarise, the years 1859 to 1890 saw very little actually done by the Anglican church in regard to the aborigines. Apart from expressions of opinion and plans which were never realised, there were only two points at which it could be said that there was any activity: firstly, the short-lived mission at Somerset, which was not supported to any great extent by the Queensland church; secondly, the effort which Hale put into the Aboriginal Commission as its Chairman from 1876 until its demise caused by the change in government.

Regarding on the lack of Anglican involvement in aboriginal missions during the second half of the nineteenth century, Loos comments, 'Those involved with the Board of Missions [Anglican] confronted a cruel apathy and a racial prejudice that Anglicans shared with the rest of the Australian community'.⁷³ The situation changed with the establishment of the Yarrabah mission in 1891. From then to the end of World War I was a period of substantial growth in the Anglican church's work amongst the aborigines, with new missions established on Fraser Island (briefly) and at the Mitchell and Forrest Rivers. In all these ventures the church relied heavily on government funding.

ROMAN CATHOLIC INITIATIVES

In contrast to the great effort Catholics put into education, very little was done in respect to the aborigines. The first probably goes some of the way to explain the second.

Mention has been made of the Passionist Fathers' unsuccessful mission on Stradbroke Island in 1843, also of Polding's failed attempt to start a mission at Maryborough in 1858 (see above, page 136). In the early 1860s the Maryborough project came to life again when a Catholic layman donated land there for an aboriginal 'development centre'. Quinn was urged to establish a mission there, but he did not have the

⁷³ Noel Loos, 'The Australian Board of Missions, The Anglican Church and the Aborigines, 1850-1950,' *The Journal of Religious History* 17.2 (1992), p. 205.

resources to proceed.

In 1869 a gathering of the Australian episcopate issued a strong call to the church for action:

We have dispossessed the aboriginals of the soil ... In natural justice, then, we are held to compensation ... The Fathers of this Council ... desire solemnly to lay upon the conscience of all who have property in these colonies the thought that there is blood upon their land ...⁷⁴

The call produced little response. Pierre Bucas, a French priest working in Mackay in the 1870s, established a small mission at Nerara. He was assisted by Sisters of St. Joseph nuns in his work which also included a white orphanage. He had limited success, until ill-health forced him to concentrate on serving the white Catholic community. He did not accept the 'doomed race' theory. Bucas later transferred to the Vicariate of Cooktown after a disagreement with Quinn, and the Josephite sisters were replaced by the Sisters of Mercy. The white orphanage continued, but the aboriginal work came to an end. Maguire attributes its failure to opposition from white Catholics, and Bucas' attempt to merge the mission with the white orphanage.⁷⁵

More dynamic than Bucas was Duncan McNab. In the mid-1870s Quinn invited him to Queensland and gave him a roving commission to work with aborigines. The only financial help given was permission to raise money himself in the parishes. McNab had had a rather stormy career in Scotland, and proved difficult to work with in Queensland. He spent some time with Bucas in Mackay, and was successful in starting a mission at Durundur, north-west of Brisbane, in 1875. A reserve of 2,400 acres was established there in 1877 by the Hale Commission.⁷⁶ McNab regarded reserves as no more than temporary expedients, which tended to slow down the civilising process. His objective was the 'permanent settlement of the blacks upon the land'. That could

⁷⁴ Quoted from P. O'Farrell, *The Catholic Church and Community: An Australian History* (Sydney, 1985), p. 120.

⁷⁵ Pierre Marie Bucas (1840-1930) had migrated from France in 1864, first to New Zealand, where he worked amongst the Maoris, and then to Queensland. After several years in Brisbane, he went to Mackay, where he served from 1869/70 to 1880. He is reported to have travelled to Cairns in 1874 to celebrate the first Mass there. After 1880 he served in Port Douglas, Charters Towers, Rockhampton, and finally in Mackay again. John Maguire, *Prologue: a history of the Catholic Church as seen from Townsville 1863-1983* (Toowoomba: Church Archivists' Society, 1990), pp. 27, 351; Michael A. Endicott, 'A History of the Roman Catholic Vicariate of Cooktown, 1877-1941' (Ph.D. thesis, University of Queensland, 1984), p. 303; Yvonne M. McLay, *James Quinn: First Catholic Bishop of Brisbane* (Armada, 1979), pp. 162-3; Stan F. Arneil, *Out Where the Dead Men Lie* (Brookvale: Augustinian Historical Commission, 1992), pp. 218, 239. Bucas was remembered with affection in the Mackay area, and in 1938 a suburb was named 'Bucasia' in his memory.

⁷⁶ McLay, *ibid.*, pp. 217-218; Gordon S. Reid, 'Queensland and the Aboriginal Problem, 1838-1901' (Ph.D. thesis, Australian National University, 1986), pp. 137-139; John Maguire, *Prologue: a history of the Catholic Church as seen from Townsville 1863-1983* (Toowoomba: Church Archivists' Society, 1990), pp. 27-34.

'be attained only by their being domiciled like the whites; and not merely preserved like cattle on a run.'⁷⁷ McNab's understanding of the aborigines was advanced for his day, but still limited by modern standards. His proposals amounted to a europeanisation of the natives, with individual ownership of the land and rights of inheritance. Protectors would be appointed by the government through the missionaries.

He rejected the 'doomed race' theory, and wrote to the Colonial Secretary,

It seems to me an error in political economy, almost incredible, that a Government which countenances the importation of temporary labourers from the South Sea Islands, and annually expends considerable sums on procuring immigration, should be indifferent to the extinction of the Aboriginal population. They may be civilized and saved, and their energies being properly directed may help to develop the resources of the colony.⁷⁸

His proposals were considered impracticable by the government on the advice of the Hale Commission. McNab was very bitter at this rebuff, and in a later letter to the *Courier*, blamed politicians for not implementing a resolution of the Legislative Assembly aimed at improving the situation of the aborigines; the Heads of religious denominations for their neglect; and prejudices of the Commissioners.⁷⁹ He had been appointed to the Commission in December 1876, but resigned in December 1879, having been at odds with it for most of the time.⁸⁰ Other Catholic work was started in North Queensland in 1876-7, but was terminated due to opposition from whites.⁸¹

In 1877 Rome set up the Vicariate of Cooktown, with the two-fold purpose of serving the white Catholic population of North Queensland, and working amongst the aborigines. So far as the second objective was concerned, the Vicariate was virtually a non-event.

In writing the history of the Vicariate from 1877 to 1941, out of 366 pages, Endicott needed a mere 29 to detail its work — and failure — with the aborigines.⁸² He attributed the failure to two factors:

(a) the two-fold purpose prescribed originally for the Vicariate. Quinn had originally proposed the dual plan, but in 1878 he told Rome, 'The experience of all Australian missions is proof that to combine the European and aboriginal

⁷⁷ McNab to Colonial Secretary, 9 May 1876, in *The Revd. Duncan McNab and the Aborigines*, ordered to be printed by the Queensland Legislative Assembly, 26 October 1876.

⁷⁸ *Votes and Proceedings*, 1876, vol. III, p. 161.

⁷⁹ *Courier*, 22 February 1879.

⁸⁰ Gordon S. Reid, 'Queensland and the Aboriginal Problem, 1838-1901' (Ph.D. thesis, Australian National University, 1986), p. 153.

⁸¹ V. L. Gray, *Catholicism in Queensland* (Brisbane, 1910), p. 56.

⁸² Michael A. Endicott, 'A History of the Roman Catholic Vicariate of Cooktown, 1877-1941' (Ph.D. thesis, University of Queensland, 1984), pp. 293-322.

apostolates invariably results in the Aborigines being neglected’;

(b) the determination of the Australian Catholic hierarchy to ‘hibernicise’ the church. Irish clergy were mostly unwilling and unable to work with aborigines, as compared with some of the Europeans — French, Spanish, and Italian. These latter were largely excluded from the Vicariate from 1885 to 1935.⁸³

The failure occurred in spite of an offer from the Queensland government at one point to set aside 100 square miles on the western side of Cape York, construct buildings, and provide food for one year. The offer was not taken up because of doubts whether such a venture would gain sufficient support from the white Catholic population.⁸⁴

Following a further decision by the Plenary Council in 1885, which again condemned the treatment of aborigines, Cardinal Moran (Sydney) issued a Pastoral Letter urging Catholics to evangelise them.⁸⁵ A yearly collection was to be taken up in all Australian parishes to support missions to aborigines. Over the next ten years a mere £795 was collected!⁸⁶

An official non-racial policy of the church was one thing. A few years later, however, the *Australian*, the semi-official paper of the Brisbane Diocese, was adopting a blatantly racist approach to the Kanakas. The paper urged the cutting-off of the supply of Polynesian labourers, not for humanitarian reasons, but because they were marrying white women! ‘Queensland is a white man’s country, and must be kept as such. ... Our population must be white men, and our lands must be occupied by families of our own race.’⁸⁷

Reference was made earlier to the Archbishop of Brisbane’s attitude, which was close to ‘social darwinism’ (see above, pages 137-38). Byrne’s biography shows how, while Dunne had a concern for the aborigines, yet he put the winning of state aid for his schools ahead of that concern.⁸⁸

Maguire lays much of the blame for the inactivity on the Irish bishops. He writes that

83 Michael A. Endicott, ‘A History of the Roman Catholic Vicariate of Cooktown, 1877-1941’ (Ph.D. thesis, University of Queensland, 1984), pp. 301 and 320.

84 *ibid.*, pp. 312-313.

85 *Courier*, 4 December 1885.

86 P. O’Farrell, *The Catholic Church and Community: An Australian History*, (Sydney, 1985), p. 273.

87 *Australian*, 20 April 1889.

88 Neil J. Byrne, *Robert Dunne: 1830-1917: Archbishop of Brisbane* (St. Lucia, 1991), pp. 199-200.

the existence of the Vicariate

allowed the Irish bishops in Queensland to absolve themselves from any immediate responsibility towards the Aboriginal people: unlike the other Churches, the Catholic Church was not to establish any mission for the Aborigines in Queensland until 1930.⁸⁹

Stockton comments:

A peculiar ambivalence marks the Catholic Church's dealings with Australian Aborigines. On the one hand there is the record of missions established in isolated corners of the continent ... on the other hand, the record of the official Church is one of general apathy, with intermittent stirrings of a troubled conscience.⁹⁰

Writing in 1910, Gray sought to justify that apathy by quoting Dampier's comment written in 1688 when he touched on the west coast of Australia:

The inhabitants of this country are the miserabl[is]t [sic] people in the world. The Hodmadods of Monomatapa, though a nasty people, yet for wealth are gentlemen to these.⁹¹

As noted at the beginning of this section, the apathy and lack of official action was in sharp contrast to what was happening in the educational field.

PRESBYTERIAN INITIATIVES

The first Presbyterian initiative in Queensland came from John Dunmore Lang, whose efforts led to the establishment of the short-lived Moravian mission at Zion Hill in the late 1830s (see above, page 135). Nothing further happened until late in the century.

The Federal Assembly of the Presbyterian Churches of Australia approached the Queensland Premier in 1887 seeking aid in mission work.⁹² In 1891 a deputation from the Presbyterian Assemblies of Queensland, New South Wales and Victoria met with Queensland Premier. Assurance of support led to establishment of mission on the Batavia River, later known as Mapoon. Encouragement came from the Government Resident on Thursday Island, John Douglas, previously Premier from 1877 to 1879, when he had given strong support to the Hale Commission.⁹³ The government showed interest, gave £500 and a whaleboat, and a reserve of 100 square miles.⁹⁴

⁸⁹ John Maguire, *Prologue: a history of the Catholic Church as seen from Townsville 1863-1983* (Toowoomba: Church Archivists' Society, 1990), p. 32

⁹⁰ Eugene Stockton, 'Maverick Missionaries: An Overlooked Chapter in the History of Catholic Missions' in T. Swain and D. B. Rose, eds., *Aboriginal Australians and Christian Missions* (Adelaide, 1988), p. 202.

⁹¹ V. L. Gray, *Catholicism in Queensland* (Brisbane, 1910), p. 57.

⁹² *Courier*, 4 December 1885. Prior to the formation of the Presbyterian Church of Australia in 1901, representatives of the colonial Presbyterian Churches met in a Federal Assembly.

⁹³ R. Bardon, *The Centenary History of the Presbyterian Church of Queensland* (Brisbane, 1949), p. 83.

⁹⁴ *ibid.* p. 85.

Through the Moravian Mission Board in Germany, the services of two missionaries were secured, J. G. Ward and J. N. Hey, and the Mapoon mission was established by the Presbyterian Churches of Australia. In recognition of the Moravian connection with the missionaries, the Reformed Lutheran Church in Queensland gave some financial support, greater in fact than what was given by the Presbyterians of Queensland!⁹⁵

Ward and Hey encountered the same negative attitudes of the whites in North Queensland towards the missions. In Townsville they were told,

‘the blacks are very treacherous and malicious. They are cannibals and will probably kill and eat you and even if they don’t you needn’t imagine you will make them Christians. The fact is they are not fit to live and ought to be killed off.’⁹⁶

Ward died in 1895, but Hey remained at Mapoon until 1919. The mission had to endure strong protests from fisheries, who were seeking cheap labour and prostitutes to work on their boats, with a disintegrating effect on the natives. Consequently the missionaries tried to deter the natives from such contacts, to protect them from exploitation. ‘... the Japanese took women and men to dive for pearl shell, returning them when they were worn out or diseased.’⁹⁷ At the 1908 Royal Commission into the Pearl-shell and Bêche-de-mer Industry, Hey gave evidence outlining the severely detrimental effects which aboriginal involvement with the fishing boats was having on their lives.⁹⁸ Having already adopted a policy of isolating aborigines on reserves, as recommended by Meston in his Report of 1896 (see below, page 164), the government was sympathetic to the missionaries’ point of view, and Hey was given permission to exclude traders from waters near the mission.⁹⁹

In 1909, following an inquiry into the running of the mission, the government expressed satisfaction with the way the mission was being conducted, and increased its grant.¹⁰⁰ When he returned from his tour of inspection of both government and church-run mission stations in 1914, the Home Secretary, J. G. Appel, commended the Mapoon mission, and Hey in particular.¹⁰¹

Over the years Hey demonstrated an understanding of the aborigines which was ahead

⁹⁵ R. Bardon, *The Centenary History of the Presbyterian Church of Queensland* (Brisbane, 1949), p. 85.

⁹⁶ J. E. Hutton, *A History of Moravian Missions* (London, 1922), p. 82 (emphasis added).

⁹⁷ Quoted in B. Phillips, *The Church’s Involvement in Aboriginal Affairs* (Document prepared for Uniting Church in Queensland, 1981), p. 4, from a reported conversation between K. Coombes and the daughters of J. N. Hey in 1977.

⁹⁸ *Queensland Votes and Proceedings* 2 (1908): 693.

⁹⁹ *Minutes of Presbyterian Assembly*, 1908.

¹⁰⁰ R. Bardon, *ibid.*, p. 88.

¹⁰¹ *Courier*, 10 June 1914.

of his time, though still paternalistic in modern terms. He had a clear understanding of the churches' and the community's responsibilities to the original inhabitants.

He wrote in 1931,

We have taken their land, but have so far given little in return. ... We are stewards of these backward, but by no means ignorant, people, and will surely have to give an account, *both as a Church and State*, as to how we used our opportunities.¹⁰²

At the same time it needs to be noted that Hey and the Presbyterian church continued to believe in the 'doomed race' view of the aborigines well into the twentieth century. Hey commented in 1910, 'we are face to face with the sad fact that we are labouring among a dying race.'¹⁰³

Both the church and the government were pleased with his work. By 1907 sixty eight baptisms had been performed, and from the church's point of view, many aborigines were growing in their new faith. Good attendances were being reported at the school, and as an official Reformatory the government was pleased with the operation. The government grant was increased substantially in 1910 and again in 1912.¹⁰⁴

In 1898, with a government grant of £600, an offshoot of Mapoon was established on the Embly River, later known as Weipa.¹⁰⁵ Similarly, in 1905, Aurukun was established on the Archer River.¹⁰⁶ In 1914, on the recommendation of the Chief Protector of the Aborigines, another mission was established at Mornington Island, where the natives had been severely affected by their lack of protection against contacts with traders and pearlers.¹⁰⁷

In all of these missions established by the Presbyterian church, there was government support and supervision.

¹⁰² J. N. Hey, *A Brief History of the Presbyterian Church's Mission Enterprise Among the Australian Aborigines* (Sydney, 1931), p. 27 (emphasis added).

¹⁰³ *Minutes of Proceedings of the General Assembly of the Presbyterian Church of Australia*, (Sydney, September, 1910), p. 58; September 1903, p. 71.

¹⁰⁴ *Minutes of Proceedings of the General Assembly of the Presbyterian Church of Australia*, September, 1906, p. 82; 1907, p. 68; 1910, p. 55; *Minutes of Proceedings of the General Assembly of the Presbyterian Church, State of Queensland*, (Brisbane, May 1912), p. 64.

¹⁰⁵ *Austral Star*, October 1898. Also R. Bardon, *The Centenary History of the Presbyterian Church of Queensland* (Brisbane, 1949), p. 87.

¹⁰⁶ *Minutes of the General Assembly of the Presbyterian Church of Australia* (Sydney 1905), p. 67.

¹⁰⁷ J. N. Hey, *A Brief History of the Presbyterian Church's Mission Enterprise among the Australian Aborigines* (Sydney, 1931); R. Bardon, *The Centenary History of the Presbyterian Church of Queensland* (Brisbane, 1949), pp. 89-90.

OTHER INITIATIVES

In the 1870s the Primitive Methodist minister, Edward Fuller, established a mission first on Fraser Island, then moved it to Noosa, and later to north Queensland. There was no government support for his work. While zealous and hard-working, Fuller seems to have been particularly ill-suited to the work. All these attempts failed, the missions closed, and eventually Fuller returned to Ipswich.¹⁰⁸ Reid comments,

Edward Fuller was the most sorry example of selfless devotion to the Christian missionary cause, personal deprivation and unfulfilled hopes in the history of Aboriginal-European contact in Queensland.¹⁰⁹

The Methodists were also involved with other denominations in the establishment of an Aborigines Protection Association of Queensland in 1890 in Brisbane.¹¹⁰

Mention was made earlier of the Gossner missionaries, brought to Australia by J. D. Lang, who established their mission at Zion Hill (Nundah) in 1838, with minimal assistance from the New South Wales government. They persevered for a few years, but lack of success caused them to leave the mission in the late 1840s. Two of the ex-missionaries who settled in the Caboolture area, J. L. Zillman and A. Rode, gave evidence to the Select Committee in 1861 (see below, page 157).¹¹¹

Another of the original group, the Rev. J. G. Hausmann, who was minister of a small Lutheran church at Beenleigh, south of Brisbane, from 1863, established the Bethesda Mission for Aborigines in 1867. The mission lasted until 1883.¹¹²

In the period 1885-1890, the Lutherans set up three separate mission stations in North Queensland: Elim-Hope Valley in 1885, subsidised by the government from 1888 to 1893;¹¹³ Marie Yamba near Bowen in 1887 for which over thirty square miles was

¹⁰⁸ In the 1890s Fuller was managing the Deebling Creek aborigines station near Ipswich, established by the Queensland Branch of the Aboriginal Protection Society in 1892. Johnson to Colonial Secretary, 20 May 1893. QSA COL/A736 93/6165.

¹⁰⁹ Gordon S. Reid, 'Queensland and the Aboriginal Problem, 1838-1901' (Ph.D. thesis, Australian National University, 1986), pp. 109-118. Also Keith Rayner, 'Attitudes and Influences of the Churches in Queensland on Matters of Social and Political Importance. 1859-1914' (B.A. thesis, University of Queensland, 1951), pp. 120-121.

¹¹⁰ *Courier*, 2 December 1890.

¹¹¹ *Votes and Proceedings*, 1861, p. 482 ff. Also Keith Rayner, 'Attitudes and Influences of the Churches in Queensland on Matters of Social and Political Importance. 1859-1914' (B.A. thesis, University of Queensland, 1951), p. 118.

¹¹² Hausmann received help from Germany in that venture. F. O Theile, *One Hundred Years of the Lutheran Church in Queensland* (Brisbane, 1938), p. 102.

¹¹³ *Votes and Proceedings*, 1898, vol. 14, p. 503.

granted for the purpose by the government;¹¹⁴ and in 1887, a mission at Bloomfield River, for which the government set aside a reserve of fifty square miles. In most of these missions the results were disappointing in terms of lasting influence on the aborigines. Relations between the Lutheran missionaries and the government deteriorated, aid was suspended, and both Bloomfield River and Marie Yamba were closed in 1902.¹¹⁵

The London Missionary Society had established missions in New Guinea and the South-west Pacific, and in the 1870s extended its work into Torres Straits, using Samoan missionaries. There was no government support. The only interest taken by the government was when there were reports of floggings at the mission.¹¹⁶ This work was handed over to the Anglicans in 1914.

THE KANAKAS

During the 1870s, the churches took more interest in the Kanakas, the native labourers transported to Queensland from various Pacific islands to work on the cane farms, than in the aborigines. Several reasons can be suggested for this.

The Kanaka labourers were not competing with the white settlers for occupation of the land, and so missions to these immigrants did not have to do battle with strong vested interests. Also, in common with other Pacific islanders, they responded more readily to the Christian teaching than did the aborigines.

Concern over the importation of the native labourers had been voiced in church circles in Sydney and London from 1868 onwards. In 1869 a meeting in Sydney petitioned the Queensland Parliament protesting against the *Polynesian Labourer's Act* which gave a measure of legality to the traffic. This petition was reported in the English missionary journal, the *Colonial Church Chronicle*.¹¹⁷

¹¹⁴ F. O Theile, *One Hundred Years of the Lutheran Church in Queensland* (Brisbane, 1938), p. 104.

¹¹⁵ Kay Elizabeth Evans, 'Marie Yamba, Bloomfield and Hope Vale: The Lutheran Missions to the North Queensland Aborigines, 1886-1905,' *Queensland Heritage* 2.6 (1972), pp. 26-35; Christopher Anderson, 'A Case Study in Failure: Kuku-Yalanji and the Lutherans at Bloomfield River, 1887-1902' in T. Swain and D. B. Rose, eds., *Aboriginal Australians and Christian Missions* (Adelaide, 1988), pp. 321-337.

¹¹⁶ *Votes and Proceedings*, 1880, vol. II, p. 159.

¹¹⁷ *Colonial Church Chronicle*, vol. XIII, April 1868, p. 153; December 1868, p. 485; XIV, October 1869, pp. 405-6; Patteson to Synod of Christchurch, 11 January 1871, LP, Tait Papers, vol. 186, pp. 145-147. This last is a memorandum asking for action against the trade in natives and pointing to the probability of retaliation on their part. Events later in the year showed Patteson to be prophetic. See also R. Fitzgerald, *From the Dreaming to 1915: A History of*

In 1871, the Secretary of State for the Colonies wrote to the Queensland government, enclosing a copy of a letter from the Aborigines Protection Society (London) which had expressed concern about the recent introduction of the Kanakas into Queensland. Kimberley requested immediate inquiries be made into allegations of maltreatment:

... The Society are justified in their statement that this is a matter which affects the reputation of the Empire. It is a matter to which the attention of Parliament will certainly be called, and it will be necessary for Her Majesty's Government to show that every legitimate effort has been made to prevent the abuses complained of.

He continued,

... The Act is so inefficiently administered as practically to afford no protection to Polynesian immigrants ... the immigration is little better than a slave trade.¹¹⁸

The concern of the British government over the reported maltreatment of these natives would very quickly have become known to the church in Queensland through its link with Canterbury, even if the Queensland government had tried to ignore the British concern.

On 20 September the missionary bishop Patteson was killed, with the resultant outcry throughout the Anglican churches which brought pressure to bear in London.¹¹⁹ Patteson's death, it was generally believed, was due to anger stirred up in the islands by the inhumane methods employed by the traders recruiting the labourers. This brought the Anglican church in Queensland into conflict with the Queensland government, and involved it in the welfare of the native labourers.

Consequently, missions to the Kanakas were established much earlier than to the indigenous aborigines. During the 1870s and through to the first decade of the twentieth century the churches, with the support of the government, worked for the betterment of the material wellbeing of the imported labourers, as well as their conversion to Christianity. Missions were established near Bundaberg and Mackay where large numbers worked on the sugar plantations.

While in 1863 a meeting of Presbyterians in Sydney had protested strongly against the importation of Polynesian labourers into Australia, seeing it as virtual slavery,¹²⁰ the Queensland Presbyterian church does not appear to have raised its voice against the traffic in the latter part of the century, leaving it to individuals to express concern.

Queensland (Brisbane, 1982), p. 240.

118 Kimberley to 'The Officer Administering the [Queensland] Government', 27 January 1871. PRO, CO423/3, ff. 285-287.

119 See above, p. 91 and n. 85.

120 R. Bardon, *The Centenary History of the Presbyterian Church of Queensland* (Brisbane, 1949), p. 43.

With Federation came the White Australia Policy. The further entry of islanders was banned from 1904, and a decision was made to deport those already here. At the Brisbane Anglican Synod in May 1905 an attempt had been made to pass a strong resolution condemning the deportation of Kanakas who desired to remain in Queensland as an 'outrage against humanity', but the 'Previous Question' was carried, thus preventing any expression of opinion. The following year, when the Queensland government was implementing a policy of enforced repatriation to the islands, a killing occurred which involved the Anglican church in the Kanaka question again. A missionary on Aoba island, G. C. Godden, was murdered by a repatriated labourer. The *Church Chronicle* commented,

... there is every prospect that the spirit of unrest, of bloodthirstiness and retaliation, will be manifested in increasing degree as the deportation goes on. Is it too late ... for the Government of Queensland to be moved to re-consider, if not the entire question, at least the method of distributing the returning Kanakas?¹²¹

The Presbyterian Assembly also voiced a strong protest, and recorded its conviction that:

... the forcible deportation of men and women (with, in some cases, their children) who by reason of long residence, by marriage and settlement, have become rooted in our State, and the replacing them on islands, which through lapse of time have become practically foreign to them, would be an inhuman act, which only the direst necessity could excuse.¹²²

Similar protests from many quarters caused the government to change its mind, and the deportations were stopped.

The Kanaka interlude is significant for a number of reasons. For the purpose of this study, it is significant because of the interaction it brought about between the churches and the governments. It tended to divert attention away from the aboriginal problem, and allowed the churches to direct their efforts into an easier course, where, at least they could be seen to be working with native, if not indigenous, people. Also, it attracted international attention to Queensland's treatment of coloured races. Such attention was not always welcomed in Queensland.

As has been shown above, the churches (and others) mounted effective pressure for changes in government policy regulating the recruitment of the labourers, their care on the plantations, and then in regard to their enforced repatriation (see n. 119).

¹²¹ *Chronicle*, 1 December 1906, p. 91.

¹²² Quoted in R. Bardon, *The Centenary History of the Presbyterian Church of Queensland* (Brisbane, 1949), p. 48.

GOVERNMENT INITIATIVES

In May 1861, the Queensland government set up a Select Committee to look specifically at the Native Police, and generally at the condition of the aborigines. The government was desperate for funds, and looked to rapid expansion of settlement to overcome its cash crisis, by the sale and lease of land. This gave urgency to the aboriginal question, because of the assumption that the land now belonged to the Crown. Its original inhabitants would have to make way for white settlers.

The purpose of the Select Committee was to look at ways of improving the discipline and efficiency of 'this necessary protective force', that is, the Native Police.¹²³ Like the government itself, the Committee was dominated by squatters, and did not include anyone known for their humanitarian outlook. It was not surprising then that its Report stated,

The evidence shows that all attempts to Christianise or educate the Aborigines of Australia have hitherto proved abortive. Credible witnesses show that they are addicted to cannibalism; that they have no idea of a future State; and are sunk in the lowest depths of barbarism.¹²⁴

The only witness to adopt a humanitarian stance before the committee was the Ipswich doctor, Henry Challinor, a prominent member of the Congregational church, and a Member of the Legislative Assembly from 1861 to 1868. He has been described as 'an ardent if naive Liberal in a legislature dominated by squatters and their allies. ... At a time when they were unpopular choices he had backed the political horses that eventually won.'¹²⁵

Challinor put concrete suggestions to the Commission: the aborigines should be allowed to hunt on the runs in order to feed themselves; there should be interpreters to explain the law to them before they were punished for breaking the law; and education should be made available to them if they desired it. He was adamant, however, that there should be no religious instruction, as the government must not interfere in matters of religion — a view which reflected Challinor's Congregational background (See Footnote 9 on p. 97). He was equally firm on the need to change the legal status

¹²³ *Courier*, 1 May 1861.

¹²⁴ 'Queensland Legislative Assembly, Report from the Select Committee on the Native Police Force and the Condition of the Aborigines Generally', *Queensland Legislative Assembly, Votes and Proceedings*, 1861.

¹²⁵ N. B. Nairn, A. G. Serle, and R. B. Ward, eds. *Australian Dictionary of Biography*, vol. 3: 1851-1890 (Melbourne, 1969), s.v. 'Challinor, Henry', by Douglas Gordon.

of the aborigines to allow their evidence to be accepted in courts, as was already the case in South Australia. When asked whether the life of a white man ought to be placed in danger by such evidence, Challinor replied, 'I consider the life of a black man to be quite as valuable in itself as that of a white man'. Protectors of aborigines should be appointed, who would have investigative powers, and the Native Police should be replaced by a force of white men assisted by black trackers.¹²⁶

None of Challinor's suggestions were adopted by the Committee in 1861, but by the end of the century most of them had been put into practice.

Johann Zillman and Augustus Rode had come from Germany with the Gossner missionaries in 1838, but by 1861 were farming land near Caboolture. Rode's evidence to the Committee supported the Native Police as it stood. He thought it necessary to keep the natives in a state of fear to avoid bloodshed.

Rode exemplified the man of good intentions towards the Aborigines, who had tried to 'improve' them by means of European civilisation and Christianity, had failed and now had abandoned them to their fate at the hands of the white invaders.¹²⁷

Zillman suggested that a missionary cotton company should be established to provide employment for aborigines. As the American Civil War had cut off supplies from America, this seemed a very practical suggestion. It was readily accepted by the committee and became one of its recommendations, but was never implemented by the government.¹²⁸

A written submission was made by William Ridley, by then living in Sydney. Based on his own experience and the experience of those working with aborigines at Poonindie in South Australia, Ridley argued that it was possible to civilise the aborigines if they were gathered together in sizeable groups. Flexible working hours and conditions would gradually introduce them to a more settled existence. They should be well isolated from white contact. Like Challinor, his suggestions were not accepted by the Committee in 1861, but they were similar at many points to what was

¹²⁶ 'Queensland Legislative Assembly, Report from the Select Committee on the Native Police Force and the Condition of the Aborigines Generally', *Queensland Legislative Assembly, Votes and Proceedings*, 1861, pp. 2-5, 13-16, 166-67.

¹²⁷ Gordon S. Reid, 'Queensland and the Aboriginal Problem, 1838-1901' (Ph.D. thesis, Australian National University, 1986), p. 69.

¹²⁸ 'Queensland Legislative Assembly, Report from the Select Committee on the Native Police Force and the Condition of the Aborigines Generally', *Queensland Legislative Assembly, Votes and Proceedings*, 1861, pp. 59-60.

adopted in 1897.¹²⁹

In 1864, the Colonial Secretary, Herbert, received a letter from J. C. White, a pastoralist, on the aboriginal question, which he said 'was agitating the public mind'. The treatment of the aborigines in Queensland was scarcely 'in consonance with the ideas of British justice or the Precepts of our Religion'. They had been deprived of their food, and hunger led them into clashes with the white settlers. As had Challinor in 1861, White urged that the evidence of aborigines should be accepted in court. Protectors should be appointed in the various districts, and depots established where food and blankets could be distributed if required. One or two youths could be placed in the charge of every minister of religion who wished to educate and civilise them, with costs met by the government. He went on to urge that Queensland should take the lead in improving the condition of the aborigines, and have 'the honour of redeeming the Character of our Nation', another idea, which also was used by Meston in 1895 (see below, page 170). Herbert passed White's letter to Bowen, who was impressed, noting on the front page of the letter,

I have always thought that the Government and Parliament of this Colony are morally bound to satisfy (as it were) the Conscience of the State, by attempting in some way to ameliorate the condition of the Aborigines.¹³⁰

White's proposal to distribute food to the aboriginals became government policy in the 1890s, and found a place in Meston's Report of 1896.

As mentioned earlier (page 141), in August of that year, Herbert had the Legislative Assembly give him the authority to grant land to persons who would undertake to improve the lot of the aborigines by establishing missions and industrial schools. He was supported by Challinor and Douglas, who later was to become Premier.¹³¹ Both these men had strong church connections.

In May 1865, James Love, the minister of the Wickham Terrace Presbyterian Church wrote to Herbert indicating that Moravian missionaries in Victoria were prepared to come to Queensland to establish a mission. Herbert and Bowen responded positively, but again nothing came of it. Reference was made earlier (see page 140) to the

¹²⁹ 'Queensland Legislative Assembly, Report from the Select Committee on the Native Police Force and the Condition of the Aborigines Generally', *Queensland Legislative Assembly, Votes and Proceedings*, 1861, Appendix C. Also Gordon S. Reid, 'Queensland and the Aboriginal Problem, 1838-1901' (Ph.D. thesis, Australian National University, 1986), p. 74.

¹³⁰ J. C. White to Colonial Secretary, 31 March 1864. QSA COL/A52 64/989. Also Gordon S. Reid, 'Queensland and the Aboriginal Problem, 1838-1901' (Ph.D. thesis, Australian National University, 1986), pp. 77-79.

¹³¹ *Queensland Parliamentary Debates*, 1864, pp. 213, 315-16.

government initiative which led to the short-lived mission at Somerset in 1867.

People such as Challinor, Zillman, Rode, Ridley, White, Love and others, made up an identifiable 'Church Party' during the 1860s — lightly regarded by the squatters — but nevertheless able to mount increasing pressure upon the government.¹³² Added to this was the concern being expressed in the other colonies and in London regarding Queensland's use of Kanaka labourers. The government responded in the 1870s by appointing the two Commissions which produced the basis of the later protection legislation, and supported private schemes for settling aborigines on reserves.

The Commissions

The first of these was the Drew Commission, appointed in 1873, 'to inquire what can be done to ameliorate the condition of the Aborigines and to make their labour useful ... to the squatters and to themselves.' The Commission comprised one Public Servant, William Drew, an Anglican layman who served as Chairman; one politician, Augustus Gregory, who had experience as a surveyor and explorer, and also had close ties with the pastoralists; one squatter, Charles Coxen; and one Lutheran missionary, Godfrey Hausmann. Surprisingly the Commission produced 'a report which provides the first comprehensive statement on the condition of the Aborigines in Queensland. Also, its tone suggests that the commissioners had genuine humanitarian impulses ...'¹³³ Drew and Hausmann had obviously exerted their influence.

The Commission recommended Protectors to be appointed in the various districts. This was the first official proposal of the kind. Reserves were to be set up, and the aborigines encouraged to reside there; food and implements were to be supplied, and buildings erected; aborigines were to be excluded from towns; the sale of liquor to blacks was to be suppressed. The Commission advocated a special effort to '*improve, educate and Christianise*' the young. In case people should balk at the cost of implementing their recommendations, the Commissioners pointed out that 'More than one-fourth of the entire revenue of the colony (or 350,000 pounds annually) is derived from the sale and lease of those Crown lands, which the Aborigines originally occupied.'¹³⁴

The Commission was disbanded in May 1874, and for the moment its

¹³² Reid, *ibid.*, pp. 72-84.

¹³³ Gordon S. Reid, 'Queensland and the Aboriginal Problem, 1838-1901' (Ph.D. thesis, Australian National University, 1986), p. 124.

¹³⁴ 'Aborigines of Queensland, Report of the Commissioners', *Queensland Legislative Assembly, Votes and Proceedings*, 1874.

recommendations were ignored by the government. Duncan McNab alleged in 1879 that it had been 'instituted for the purpose of shelving the question, and serving as a blind to the Home government'.¹³⁵

However, about the same time, an alleged incident involving cruelty by the Native Police came to the attention of Carnarvon, the Secretary of State for the Colonies in London. The Drew Commission had recommended against setting up an inquiry into the Native Police, suggesting instead more rigorous training and discipline. Carnarvon wrote to the Queensland Governor, Normanby, who reappointed the Drew Commission to implement its recommendations, with little hope of success as the government was still unpersuaded. Additional pressure came from the Aborigines Protection Society in London. The *Courier* took up the matter in April 1876, and called for a full inquiry by the Commission.¹³⁶ In the next month the government changed its mind, and a new Commission was appointed.

The new Commission retained two members of the previous one, Drew and Gregory, but had Bishop Hale as Chairman, plus Charles Graham and William Landsborough. Graham was a squatter, newspaper editor, and member of the Legislative Assembly 1872-1875. Landsborough had had a varied career in squatting and government service. Hale was highly regarded because of his previous experience with aborigines in South Australia and Western Australia. Father Duncan McNab, who had been invited by Bishop Quinn to establish work amongst the aborigines, was added to the Commission, but resigned after the change in government in 1879 (see above, page 147).

The Hale Commission was given greater power to investigate what was needed to improve the condition of the aborigines. It had the power to establish reserves, and did in time do this, as in the case of the reserve established by Tom Petrie on Bribie Island in 1877, and Durundur on the Stanley River under the direction of McNab. John Douglas, a staunch Anglican, became Premier early that year, and gave strong support to the Commission. Unfortunately for the aboriginal cause, Douglas was defeated in 1879 by McIlwraith, a conservative, and funding was cut off by the new government. Several members of the Commission resigned and were not replaced. Differences with the government had arisen in 1878-9, especially over a report of a massacre near Cooktown. After Douglas' defeat the Commission virtually ceased to exist because of lack of funding from the government.¹³⁷

¹³⁵ *Courier*, 22 March 1879.

¹³⁶ *Courier*, 6 April 1876.

¹³⁷ Gordon S. Reid, 'Queensland and the Aboriginal Problem, 1838-1901' (Ph.D. thesis, Australian

The Drew Commission produced recommendations of historic importance which foreshadowed the 1897 legislation, proposing the first official system of protection by means of extensive reserves. The Hale Commission attempted to put them into practice, but with only limited success. The second Commission, having a Christian bishop as Chairman and an outspoken Catholic missionary and an Anglican layman as members, obviously had a strong Christian influence within it — plus an Anglican Premier supporting it for a time. It was, as Rayner described it, inspired ‘mainly by Christian principles’.¹³⁸

The conservative governments of the early 1880s adopted a policy of closing down reserves rather than increasing them as had been advocated by the Commissions. McNab had not been back to Durundur after 1879 for health reasons, and in 1885 it became a horse paddock for the Police Department for a number of years. It was declared a reserve again in the 1990s following Meston’s proposals (see below, page 165).¹³⁹

The liberal Griffith government passed the Native Labourers’ Protection Act 1884 hoping that it would protect aborigines against exploitation and violence from the pearlshell and trepang fishermen. Kidnapping of aborigines to work on the boats was part of the wider issue which included the importation of Kanakas into Queensland, to which Griffith and his government were opposed. However, the Bill was passed only in a weakened form and had little effect.¹⁴⁰ In 1885 Griffith included in his estimates £2,500 for aboriginal relief, and £1,000 for reserves. Loos sees this as the beginning of ‘a conscious policy of aiding missionary societies by granting them land and limited sums of money.’¹⁴¹ In the late 1880s and until the 1897 legislation, most work in regard to aborigines was being performed by the Christian missions with some assistance from government.

National University, 1986), pp. 153-54. See *Queenslander*, 5th June, 1880, and *Courier*, 6 March 1879 and 30 September 1890. Also Y. M. McLay, *James Quinn: First Catholic Bishop of Brisbane* (Armadale, 1979), p. 218. Also *Votes and Proceedings*, 1876, vol. 3, pp. 159-72.

¹³⁸ Keith Rayner, ‘Attitudes and Influences of the Churches in Queensland on Matters of Social and Political Importance. 1859-1914’ (B.A. thesis, University of Queensland, 1951), p. 124.

¹³⁹ G. Hoskyn, ‘The Aboriginal Reserves in Queensland 1871-1885; And the Movement to Ameliorate and Improve the Condition of the Aborigines, 1870-79’ (B.A. thesis, University of Queensland, 1967), Ch. 8, pp. 1-6; W. Lees, *The Aboriginal Problem in Queensland: How it is Being Dealt With: A Story of Life and Work under the New Acts* (Brisbane, 1902), pp. 3-4.

¹⁴⁰ N. A. Loos, ‘Queensland’s Kidnapping Act: The Native Labourers Protection Act of 1884’, *Aboriginal History*, 1980, 4.2, pp. 88-112, and C. D. Rowley, *The Destruction of Aboriginal Society* (Canberra, 1970), p. 175.

¹⁴¹ N. A. Loos, ‘Concern and Contempt: Church and Missionary Attitudes towards Aborigines in North Queensland in the Nineteenth Century’, in T. Swain and D. B. Rose, eds., *Aboriginal Australians and Christian Missions* (Adelaide, 1988), p. 103.

From around 1888 a shift in policy began to emerge, almost by accident, when settlers in the north of the colony discovered they could pacify the aborigines by supplying minimal food requirements instead of using force. Attacks on their stock ceased and trouble was averted. When the government realised that a new policy was evolving almost behind its back, it was officially adopted, and by the 1890s it was supported by annual parliamentary appropriations.¹⁴²

Around 1890 the government established a mission on Stradbroke Island, with a governing committee which included a Presbyterian minister.¹⁴³ Reference has already been made to the government-run mission established on Fraser Island in 1896, which ran into problems and was handed over to the Anglican Board of Missions in 1900. It was finally closed in 1904.

In regard to the work of the various Christian missions and the subsidies they received from the government, Rayner comments,

... the Government took the view that while they [the Government] were not concerned with the purely spiritual work of the missions, these stations were also doing work of a secular nature, which relieved the Government of a burden which it must otherwise carry itself....

The Government subsidies, while by no means paying the whole expenses of the missions, formed a sizeable contribution, and it is doubtful whether the work could have been continued without this aid, and certainly not on such a scale.¹⁴⁴

The amount given by the government to assist the Christian missions, while of considerable help to the missions, was minimal in relation to the total expenditure of the state. It was also far less than the amount contributed by the churches, even though most of the work done by the missions was of a secular nature. By 1896, while a figure in excess of £20,000 had been expended by the denominations, the government had added only a further £11,000.¹⁴⁵

At the same time it should be noted that not all the missionaries were happy with accepting the subsidies. One at least argued against the acceptance of state-aid for missions, advancing similar arguments to those used against aid for the churches themselves. In 1897 N. Hey expressed himself strongly on the matter:

You all know that State churches are a failure. How dare we then indulge in State missions? As long as we are too much dependent on the Government our work will suffer. The Bible tells us we cannot serve two masters. Either give the station up entirely into the hand of the

¹⁴² N. A. Loos, *Invasion and Resistance: Aboriginal-European Relations on the North Queensland Frontier 1861-1897* (Canberra, 1982), pp. 88-117.

¹⁴³ Keith Rayner, 'Attitudes and Influences of the Churches in Queensland on Matters of Social and Political Importance. 1859-1914' (B.A. thesis, University of Queensland, 1951), pp. 130-31.

¹⁴⁴ *ibid.*, p. 139. See also *Queensland Parliamentary Debates*, 1897, vol. LXXVIII, p. 78.

¹⁴⁵ *Votes and Proceedings*, 1896, vol. IV, p. 734.

Government (police station) or take, as a Church, entire control of the Mission.¹⁴⁶

The missionaries generally were not persuaded, and, in spite of his views, Hey continued to serve the Mapoon mission from 1891 to 1919, being dependent on government aid throughout that period.¹⁴⁷

The total amount invested in the work by both the government and the denominations was paltry when measured against what had been acquired by the white occupation of Australia. Archibald Meston, commissioned by the government in 1896 to recommend ways to improve the lot of the aborigines, commented on this last figure in his *Report*:

Queensland has so far alienated about 10,000,000 acres of freehold land, and leased about 300,000,000 acres for pastoral occupation. For the first we have received about six and a quarter millions in cash, and for the leased land we receive £332,880 annual rental. Since the year of separation, 1859, or even since 1842, we have not expended £50,000 for the benefit of the Aborigines, and have never since then, or before, paid them a single shilling in cash, clothes or food, for even one acre of land. And why? Because they were too weak to compel justice, and we were too unjust to accord it without compulsion!

Had we found Queensland occupied by a race prepared to accept even one penny an acre, our bill would already be about £1,300,000.¹⁴⁸

The 1897 Act

The Aboriginal Protection and Restriction of the Sale of Opium Act of 1897 was a turning point in aboriginal affairs in Queensland, and was by far the most important initiative of the government in aboriginal affairs in the nineteenth century.¹⁴⁹ The Act was the product of a period of unique cooperation between Archibald Meston — explorer, sugar plantation manager, journalist, editor, parliamentarian, bushman, naturalist, showman, self-publicist — and the Colonial Secretary, Horace Tozer — a lawyer and parliamentarian. Meston had had close contact with aborigines over many years, and argued strongly for their protection. He could claim to have written more about the aborigines than anyone else in Queensland.

Up to 1890, Meston had accepted that the aborigines were a doomed race. By 1895,

¹⁴⁶ *Austral Star*, February 1897.

¹⁴⁷ R. Bardon, *The Centenary History of the Presbyterian Church of Queensland* (Brisbane, 1949), p. 270.

¹⁴⁸ A. Meston, *Report on the Aborigines of Queensland* (Brisbane, 1896), p. 4.

¹⁴⁹ Opium smoking had become a problem on aboriginal reserves, and was blamed by some as the reason for their decline. For example, A. J. Thynne, speaking in parliament in 1891 said, '... the greater part of our aboriginal population is being destroyed day by day, by opium being supplied to them.' (*Queensland Parliamentary Debates*, 1891, vol. 65, p. 1737). This was a rationalisation, however, as more were killed by bullets than by opium. There was further legislation by the federal and state parliaments in 1905 and 1913. The problem declined amongst the aborigines as they took more to alcohol and tobacco. See A. Gillett, 'Opium Smoking in Australia 1850-1915', (B.A. thesis, University of Queensland) 1986, pp. 149-64.

however, he was convinced they could be saved from extinction. He sent a long Address, *Queensland Aborigines: Proposed System for their Improvement and Preservation*, to Tozer. Reid comments,

[it contained] few ideas not already tried or suggested ..., but this was the first time that these ideas had been gathered into one comprehensive scheme and set down on paper. ... The key factor which makes Meston's Proposed System different from all other proposals ... (was his) stated intention not only to improve the Aborigines but to preserve them.

The 'doomed race' theory, said Meston in his *Proposed System*, 'is relegated to its deserved oblivion.'¹⁵⁰

The Address gave a colourful historical account of the Australian colonies, with statistics to reinforce his argument. 'So far all efforts to improve or preserve the Aborigines have been made under conditions certain to end in failure, and they have usually been directed by men destitute of the absolutely essential qualifications.' This clearly referred to the missionaries, who had 'started with the fixed delusive idea that the race was to be saved by religion only. ... In all cases the attempt was a disheartening failure.'¹⁵¹

He argued that to effect the aborigines' transition from their present stage of development to civilisation they must be completely isolated from European contacts. That meant placing them on isolated reserves, with good soil for cultivation. There the aborigines could become self-sufficient, and would supply a labour force for white settlers. Only approved white visitors would be allowed, including ministers of religion who would give moral instruction only. Aboriginal culture would be preserved provided it did not disturb the reserve.

Reid comments,

For its time this was a realistic and humanitarian statement. Meston realised that the subjugation of the Aboriginal people was total, and that traditional Aboriginal society could not survive under such subjugation.¹⁵²

So far as Queensland was concerned, this was correct. At least it seemed to offer the aborigines 'continued life instead of slow death'.

Tozer commissioned Meston to prepare a report on all missions and centres from which food was distributed, and to inquire into aborigines generally. He travelled

¹⁵⁰ Gordon S. Reid, 'Queensland and the Aboriginal Problem, 1838-1901' (Ph.D. thesis, Australian National University, 1986), pp. 210-11.

¹⁵¹ A. Meston, *Proposed System* (Brisbane, 1895), pp. 22-23.

¹⁵² Reid, *ibid.*, p. 217.

extensively, and produced a *Report* highly critical of all the missions and past efforts. He insisted that the only hope was to create reserves absolutely removed from white contact. 'These reserves would afford the only field on which the missionaries could effect work satisfactory to the blacks, the cause of humanity, and Christianity'.¹⁵³ In view of his earlier suggestions in his Address, it is likely that what he meant here by 'Christianity' was no more than its moral teaching.

Meston recommended that the Native Police be abolished, and replaced by white police, with aboriginal trackers when required. No aborigines were to be employed on fishing vessels, and only a few would work under supervision in the towns. Otherwise they were to be completely excluded from white centres. Meston suggested three large reserves, in southern, central and northern Queensland.

'The first condition is to feed the Aborigines ... Until an Aboriginal is well fed he is not in a condition for improvement of any kind.'¹⁵⁴

Reid comments that Meston had an advantage over the early missionaries, in that he did not intend to convert them to anything, neither Christianity nor civilisation.¹⁵⁵ But this was not so. Enforced removal to reserves meant a severe dislocation of culture, religion, and social structures. Later studies have shown that Meston had little understanding of the aborigines' religion and its close association with particular features of the land in their own areas. The removal from those tribal lands meant serious erosion of their religious beliefs and practices.

Rayner comments on the unsuitability of the land usually chosen for the establishment of mission stations, attributing this to a 'remarkable skill in choosing the worst-possible sites from the point of view of growing crops.'¹⁵⁶ In his *Report* Meston pointed to the same factor, 'some evil genius must have presided over the selection of sites for all mission stations in Queensland.' While the missionaries were unskilled in tropical agriculture, a more likely factor in the choice of land, as noted by Rowley, was that the government, under pressure from white settlers, would never have set aside large tracts

¹⁵³ 'Report on the Aborigines of Queensland (By Archibald Meston, Special Commissioner under Instructions from the Queensland Government)', *Queensland Legislative Assembly, Votes and Proceedings*, 1896, p. 13.

¹⁵⁴ A. Meston, *Queensland Aborigines: Proposed System for their Improvement and Preservation, Addressed to the Honourable Horace Tozer, Colonial Secretary of Queensland* (Brisbane, 1895), p. 27.

¹⁵⁵ Gordon S. Reid, 'Queensland and the Aboriginal Problem, 1838-1901' (Ph.D. thesis, Australian National University, 1986), pp. 286-288.

¹⁵⁶ Keith Rayner, 'Attitudes and Influences of the Churches in Queensland on Matters of Social and Political Importance. 1859-1914' (B.A. thesis, University of Queensland, 1951), pp. 131-132.

of good land for the purpose.¹⁵⁷

Meston presented his *Report* in 1896, and many of his proposals were embodied in the 1897 Act.¹⁵⁸ The principles of the Queensland legislation were followed later in the other states, so that by 1911 they covered about ninety percent of aborigines in Australia.

This introduced a subtle, but significant, change in the legal status of aborigines in Australia. Glenelg had insisted in 1837 that blacks were equal to whites under the law. As of 1897 they were legally a lower caste than white Australians, and this situation continued until World War II.¹⁵⁹

Beyond 1897

The 1897 Act, with amendments made in 1901, dominated aboriginal affairs in Queensland for decades to come. Its novelty was the compulsory removal of aborigines to the reserves, and the enforced removal of children from their parents. While Meston claimed to reject all that had gone before, most of what he proposed had been urged unsuccessfully upon the various governments from 1860 onwards. Meston succeeded because public opinion had realised the need for change, and his powers of advocacy persuaded Tozer and the government.

... Meston and the Home Secretary of the day, Horace Tozer, were not necessarily more inspired or concerned than their predecessors in this field, but their approach was blessed by administrative efficiency and prompted by political necessity.¹⁶⁰

The 1897 legislation has been very repressive upon the aboriginal population of Queensland, especially the compulsory element in it. Both Rowley and Reid argue that that was not its intention, but the administration of the Act had that effect.¹⁶¹

Successive governments were not as negative towards the denominations' missions as

¹⁵⁷ C. D. Rowley, *The Destruction of Aboriginal Society* (Canberra, 1970), p. 177. A similar factor has come to the fore in the later decades of the twentieth century, when some of what was previously considered worthless land has acquired great value as a result of mineral discoveries. In this new situation, the aborigines and churches have had to fight hard to protect the reserves.

¹⁵⁸ See R. Fitzgerald, *From the Dreaming to 1915: A History of Queensland* (Brisbane, 1982), p. 217.

¹⁵⁹ Gordon S. Reid, 'Queensland and the Aboriginal Problem, 1838-1901' (Ph.D. thesis, Australian National University, 1986), p. 5, and C. D. Rowley, *The Destruction of Aboriginal Society* (Canberra, 1970), p. 183.

¹⁶⁰ Gordon S. Reid, 'Queensland and the Aboriginal Problem, 1838-1901' (Ph.D. thesis, Australian National University, 1986), pp. 7-8.

¹⁶¹ C. D. Rowley, *The Destruction of Aboriginal Society* (Canberra, 1970), pp. 182-186. Gordon S. Reid, 'Queensland and the Aboriginal Problem, 1838-1901' (Ph.D. thesis, Australian National University, 1986), p. 9.

Meston appears to have been. Loos comments, 'the Queensland Government in 1897 [decided] to utilise Christian missionary societies as agents of their 'native' policy [because of] ... their perceived effectiveness'.¹⁶²

The government continued to give subsidies. At times a government expressed dissatisfaction with the way a mission was being run, as for example when the Anglicans were forced to overhaul the administration at Yarrabah in 1911 (see above, pages 143-44), and the Lutherans were forced to replace their missionary at Bloomfield River or lose the government subsidy.¹⁶³ They also reclaimed land given for a reserve if the mission was not considered a success.¹⁶⁴

When the natives did not die out, the missions largely became holding centres, government agencies. They assisted in the policy of herding people from their traditional lands to mission centres, and separating children from their parents for re-socialisation. The hope was that there they could be Christianised and civilised in preparation for their eventual integration into the Australian community.¹⁶⁵

There were those who urged that much more should be done. In 1917 the Governor's Private Secretary wrote to Donaldson regarding the aborigines and the need to do more, rather than allowing the situation to just drift along. He made several suggestions — that Methodist, Presbyterian, and Anglican denominations should plead the aborigines' cause; that reserves should be established where aborigines could be kept from contact with whites; that they needed religion, a policy of industrial self-help, as at Yarrabah; that they needed absolute isolation. He commented that the estimates just published by the government had cut down the amount voted for government settlements. 'Can ... public opinion be organized and brought to bear on officialdom to Do something for our natives — a really "oppressed" and despised people?'¹⁶⁶

REVIEW AND CONCLUSION

The First Three Decades 1859-1890

¹⁶² N. Loos, 'Concern and Contempt: Church and Missionary Attitudes towards Aborigines in North Queensland in the Nineteenth Century', in T. Swain and D. B. Rose, eds., *Aboriginal Australians and Christian Missions* (Adelaide, 1988), p. 105.

¹⁶³ *Courier*, 4 September 1890.

¹⁶⁴ B. Phillips, *The Church's Involvement in Aboriginal Affairs* (Document prepared for Uniting Church in Queensland, 1981), p. 2.

¹⁶⁵ *ibid.*, p. 2.

¹⁶⁶ Thatcher to Donaldson, 9 October 1917, AA, *Donaldson Correspondence*. Thomas Thatcher was Private Secretary to the Governor. The letter does not make it clear whether he is writing in a personal capacity or on behalf of the Governor.

For the first three decades of the colony's history, both church and state were slow to do anything for the aboriginal population. They preferred to leave it to enthusiastic individuals with inadequate resources.

This lack of enterprise can be explained on various grounds. So far as the denominations were concerned, they were all afflicted with a serious lack of money and manpower. Rightly or wrongly, their primary concern in those early years was to get their structures and institutions in place. For the first fifteen years the Anglicans and the Catholics were struggling to set up their schools — and that was an on-going burden for the Catholics. Much of Tufnell's energies went into setting up an untried synodical structure. The building and staffing of churches in newly settled areas was a major drain on the resources of all the denominations. Finance for new work had to be provided by the laity.

Reid is mistaken when he states that 'indifference' to the aborigines on the part of the Anglican church in the 1870s was due to the fact that it was 'still heavily subsidised by the Government, [and] had become so dependent that Anglicans were not used to giving money.'¹⁶⁷ That was not so. Aid to all the denominations apart from their schools ceased in 1860. The only exceptions were small subsidies to a very limited number of clergy under arrangements entered into by New South Wales prior to separation. This withdrawal of aid seriously affected the larger denominations in the colony, and contributed to what Reid interpreted as indifference.

A complicating factor was that the Australian churches were made up almost entirely of white Australians, and the very existence of white Australia was based on the occupation of the aboriginal lands. That meant that the income of the churches was to a large extent dependent on the creation of the very problem which missions to the aborigines were attempting to resolve! Without the continued expansion of white settlement, the white population as a whole would have been severely affected financially.

When those factors were coupled with 'social darwinism' and the 'doomed race' theories, which held sway in the churches as well as in the community, it is not surprising that so little was done.

Reference has already been made to small amounts of aid offered but frequently not delivered by the missionary societies in Britain. For the most part those societies were

¹⁶⁷ Gordon S. Reid, 'Queensland and the Aboriginal Problem, 1838-1901' (Ph.D. thesis, Australian National University, 1986), p. 144.

singularly uninterested in the Australian aborigines. As Bollen expresses it, 'British Christianity applied its resources to Australia grudgingly, supplying the left-overs from its vast heathen work.'¹⁶⁸ British people generally were fascinated with Africa, India, the Far East, and the South Seas, but not with Australia. The last was, after all, a penal settlement, a receptacle for the dregs of British society. The land seemed flat and uninteresting. The natives' culture and way of life were incomprehensible to westerners, difficult to the point of impossible for missionaries to come to understand, let alone change. With limited resources themselves, it is not surprising that the British missionary societies placed missions to the Australian aborigines low on their list of priorities. There were also indications that the British government, and presumably the people generally, saw such work as the responsibility of the Australian churches and governments. (see above, page 140)

The result was that until the 1890s, work amongst the aboriginal population was largely left to individuals and small groups of concerned people. Lack of resources and lack of knowledge of aboriginal belief systems and social structures condemned these missionaries to frustration and disappointment.

So far as government activity was concerned, similar factors were at work. There was often a chronic shortage of funds during the first three decades. Through much of that period the government was dominated by the pastoral and sugar interests, both groups hungry for land. As with the community generally, many politicians saw the aborigines as a dying race, and some preferred to hasten that process rather than slow it down.

As a salve to their consciences and to satisfy overseas critics, governments were prepared to set aside tracts of land and give small financial subsidies to a few limited initiatives, but beyond that, they generally were prepared to leave the problem to the churches.

The 1890s and Beyond

After three decades of inaction, it was evident by the 1890s that something more than the limited piecemeal approaches of the past was needed. While the aboriginal population had been decimated, it was clear that they were not going to die out quickly. Consciences were being stirred, and criticism from outside the state was mounting. With Federation looming, the politicians sensed that the other states would not tolerate

¹⁶⁸ J. D. Bollen, *Religion in Australian Society* (Enfield, 1973), p. 8; also 'English Missionary Societies and the Australian Aborigine', *The Journal of Religious History*, 9.3, pp. 263-91.

the lack of government action in Queensland.

It was fortuitous that at that time Archibald Meston appeared on the scene, combining qualities of genuine concern, salesmanship, showmanship, powers of advocacy, and first-hand experience of aborigines, albeit with, by modern standards, only a limited understanding of their culture. He put forward a detailed programme which gained the ear of the government and his recommendations led to the 1897 legislation.

Meston was scornful of everything which had been done previously, especially by the missionaries, and claimed that his proposals did not owe anything to his predecessors in the field. Reid has successfully shown however, that in spite of Meston's protestations, that was not so.¹⁶⁹ The only novel element in Meston's proposals which had not been proposed by anyone before was the element of *compulsion*, the *enforced* segregation of the aborigines on reserves, where they would be protected from contacts with white society. All the other elements which were embodied in the 1897 Act had been put forward by earlier proponents. Meston was able to draw them all together in one comprehensive system at the right time for their adoption.

For the purpose of this study of church-state relationships, however, Reid's argument becomes significant. It is more than simply a matter of giving credit where credit is due. The proposals which Meston brought together had for the most part been advanced originally by deeply committed members of churches, especially the 'Church Party' in the 1860s, and Drew, Hausmann, Hale, McNab, Douglas and others in the 1870s (see above page 158).

If we isolate and list seven key elements of Meston's proposals which were adopted by the government, we find that all seven had been suggested previously by various Christian workers, lay and ordained.

First there was *the establishment of reserves*, which had been recommended in 1861 by both the Presbyterian missionary, William Ridley (see above, page 157) and the Congregationalist layman, Henry Challinor (see above, pages 156-57), in their evidence to the first Select Committee set up by the government. It had also been advocated by the Courier correspondent, 'W. H.' that same year. It was a recommendation of the Drew Commission in the 1874 (see above, page 141, 159). Duncan McNab also recommended it in 1876, though only as a short-term measure (see above, page 147). Secondly, *the isolation of the aborigines from white contact* had

¹⁶⁹ Gordon S. Reid, 'Queensland and the Aboriginal Problem, 1838-1901' (Ph.D. thesis, Australian National University, 1986). This was the major conclusion of Reid's thesis.

been recommended by Ridley to the 1861 Select Committee. It was also recommended by the Drew Commission (see above, pages 141, 159). Thirdly, Ridley had earlier declared *the supplying of food to the aborigines* to be 'the duty of the Government' in 1855 (see above, pages 136-37). The same recommendation was put forward by Challinor to the Select Committee in 1861 (see above, page 156), and by White in his letter to Herbert in 1864 (see above, page 158). The Drew Commission also recommended it. It had already been practised with positive results in North Queensland for several years before Meston included it in his plan. Fourthly, *the appointment of Protectors of Aborigines* had been recommended by Challinor in 1861, by White in 1864, by McNab in 1876, and by the Drew Commission in 1874. Fifthly, *the acceptance of evidence from aborigines in court* had been proposed by Challinor in 1861 and White in 1864. Sixthly, *the replacement of the Native Police with a white force assisted by aboriginal trackers* was a key proposal in the evidence Challinor gave to the Select Committee in 1861. Finally, *the 'Doomed Race' theory*, though commonly held, had been already rejected by Bucas and McNab in the 1870s.

Thus, while the 1897 Act was an immediate result of Meston's persuasive advocacy of proposals which he brought together in a comprehensive scheme *at the right time*, yet indirectly the government was also responding at last to repeated calls from church bodies and individual Christians over several decades. It was clearly an instance of pressure from the church workers and other humanitarians causing the state to belatedly take definite action in the matter of aboriginal affairs.

Prior to 1897, there had been distinct differences between the denominations and the various governments. While open to criticism for their lack of action during the early decades, the churches — both their formal structures and individual members — were still usually a step ahead of the government in regard to the amelioration of the lot of the aborigines. A sharper conflict arose over the importing of Kanaka labourers to work on the sugar plantations (see above page 153-55). Through links with its mother church in England, and hence with the British government, the Anglican church in particular was able to bring pressure to bear on the government in Queensland on that issue.

Since 1859, both church and state have been generally agreed on major policy issues, and have progressed together through several phases. First there was the policy of protection, then the policy of segregation and isolation, which in turn gave way to the policy of assimilation in the period beyond that being treated here. While the specific interests and concerns of the churches were not necessarily those of the government of the day, there was sufficient commonality to make for close co-operation possible up to the middle of the twentieth century. Since then, there have been sharp clashes between

the churches and the Queensland government, as at Weipa and Aurukun.

It was indicated at the beginning of the chapter that the search for solutions to questions relating to the aborigines was a major point of interaction between church and state in Queensland. On the whole it has been a positive interaction, with the church acting at times as the conscience of the community, and urging the state to adopt new, more Christian, more humane policies. The state for its part helped make it possible for the church to pursue its mission, and to correct some of its mistakes.

Chapter 6

THE NATION AT WAR

From its earliest times, the church has been forced to consider its response to war. Could it support the state in war? Could Christians participate as combatants? The same challenges faced the church in Queensland in the period under review. This chapter will outline the classic responses, and then refer briefly to the Australian churches' involvement in European wars before 1859. The major part of the chapter will be devoted to the three wars that did involve Queensland churches, namely, the Sudan War, the Boer War and World War I.

HISTORICAL BACKGROUND

(See Appendix B for a more detailed treatment of the historical background)

The church has never operated in an historical vacuum. While having its own teachings, it inherited the Jewish teachings and scriptures, and also absorbed elements of the classical Greek and Roman traditions. The concept of peace played an important role in all of those sources. For the Jew, *shalom*, peace, was something to be desired. Amongst the Greeks and the Romans, it took on religious connotations, being personified and deified.

Peace was sought by several means: pacifism was rare; arbitration was sometimes employed; but most commonly peace was sought through conquest and victory in battle.¹ Wars fought to achieve peace required some guiding principles, and so rules of warfare developed. Amongst the Greek thinkers, Plato formulated some rules, and Cicero developed them further in the Roman setting.² Rules of war had been developed amongst the Hebrews, but as they believed themselves to be God's chosen people, all their wars were regarded as 'holy wars'. This provided an array of precedents for the crusades of the medieval church.

It was out of that background, during the early and medieval periods of the church's history, that there emerged the three classic Christian attitudes to war — pacifism, the theories of the 'just war', and the 'holy war' or crusade. All three have appeared and

¹ R. H. Bainton, *Christian Attitudes Toward War and Peace: A Historical Survey and Critical Re-evaluation*, (London, 1961), pp. 27-32, 36-7.

² Plato, *Republic*; 469 ff., *Laws*, 628; Cicero, *De Republica*, III, 34.

re-appeared down the centuries, including nineteenth and twentieth century Queensland. This chapter begins with a brief historical survey of these three Christian responses to war.

Pacifism

No evidence exists of Christians having been in the army until c. A.D. 170. That silence does not prove the early church was pacifist during those years, but some scholars believe it was. From around that date, however, there is evidence of Christians in the Roman army, and that it was accepted by the church communities.

However, within the Empire the army had both a policing function as well as fighting battles — so it may have been that the role of the Christian soldier was acceptable provided it was limited to the former. In times of peace that would have been its major role. Most theologians of the first four centuries — Tertullian, Cyprian, Arnobius, Lactantius, Origen — all condemned killing.³

Definite forms of pacifism emerged in later centuries — the Abigenses; the Waldensians; and a branch of the Hussites in the Middle Ages. In the post-Reformation period there were the Moravian Brethren; the Mennonites; and the Quakers.

The Just War

The accession of the converted Constantine as sole emperor placed the church in a radically new situation. It could now look to the empire as ally and protector. When wars were fought against barbarian heretics and Islamic infidels to defend the faith, killing became more acceptable to Christians provided strict conditions were met.

As developed over the centuries, the conditions for the 'just war' can be summarised under four rules. Firstly, it must be waged by constituted authority — it could not be waged by a private citizen. Secondly, the cause must be 'just', that is, intended to produce justice, to correct wrongs, to establish rightness. Thirdly, there must be the intention of establishing good or rectifying evil. And fourthly, the war must be waged by proper means.⁴ This doctrine has continued to be held by most Christians into the twentieth century.

3 Tertullian, *Apologeticus*, v . 6; XXXVII. 4; *De Idololatria*, 19.1-3; and *De Corona Militis*, XI. Cyprian, *Ad Donatum*, v I, 10. Arnobius, *Nationes*, I, 6. Lactantius, *Divinae Institutiones*, v I, 20. Origen, *Contra Celsum*, III, 7.

4 J. Macquarrie, ed., *A Dictionary of Christian Ethics* (London, 1967), s.v. 'Just War' by J. Macquarrie.

The Crusades

The crusades were a feature of the high Middle Ages, when various popes attempted to recapture the holy places of special concern to Christians which had been lost to Islam in earlier centuries. They were holy wars, fought not on behalf of justice measured in life or property, but on behalf of the Christian faith. Ample precedents for the crusade mentality existed in the history of Israel, where God's people went forth to do battle against his enemies.⁵

EUROPEAN WARS OF 18TH AND 19TH CENTURIES

The colonisation of Australia coincided with the French Revolution, followed by the Napoleonic wars. At that time New South Wales was still a penal colony primarily, with little more than a handful of free settlers, and no independent government of its own. Any free settler wishing to serve in the British forces fighting Napoleon could have done so by returning to Britain.⁶

The Crimean War (1854-56) was ostensibly over the supervision and control of the Christian Holy Places in Jerusalem and Bethlehem, then part of the Ottoman Empire. Protestant Britain and Catholic France were suspicious of Orthodox Russia's intentions. The underlying reason was the unease in Europe over instability in Turkey and the Balkans, with its possible threat to trade and empire.⁷

The religious dimensions to the war evoked church leaders' concern, possibly introducing something of the crusade mentality. Yet even Christian hatred of the Muslims coupled with western opposition to eastern Orthodox Churches was not strong enough to overcome tensions between Catholics and Protestants in Australia. When the

⁵ Bainton argues that in the religious wars set off by the Reformation, while the Lutheran and Anglican churches tried to keep to the doctrine of the just war in their battles against Catholics, for the reformed calvinistic churches it became a crusade against the infidel. Thus, for example, having wreaked havoc in Ireland in 1649, Cromwell is reported to have justified himself with the words, 'I am persuaded that this is a righteous judgment of God upon these barbarous wretches.' See R. H. Bainton, *Christian Attitudes Toward War and Peace: A Historical Survey and Critical Re-evaluation*, (London, 1961), pp. 143-151.

⁶ The main effect of events in Europe was increased English sensitivity to political agitation in Ireland, leading to an increase in Irish political prisoners sent to Australia. It may also have been a factor in the opposition of Governor Macquarie towards nonconformist ministers being allowed into the colony, regarding them as seditious sectaries (see above, chapter 2).

⁷ Rumours of a possible Russian invasion of the Australian colonies led Australians to take an intense interest in the war, with outbursts of patriotic fervour on the part of some political figures. Fortifications were erected in Sydney and Melbourne to repel the Russians. See C. M. H. Clark, *A History of Australia*, Vol IV. (Melbourne, 1978), pp. 42, 44, 84; T. L. Suttor, *Hierarchy and Democracy in Australia 1788-1870*, (Melbourne, 1965), p. 148; F. Crowley, *A Documentary History of Australia*, vol 2. (Melbourne, 1980), p. 280.

Governor-General proclaimed a fast at the outbreak of the war, the Catholics refused to join in, though they supported the war.⁸ Because some New South Wales Protestants had described the war as God's punishment of England for having emancipated the Catholics, the local Catholics snubbed the Governor's proposal.⁹

As there were no church leaders or corporate church bodies based in Brisbane before 1859, official comment came only from Sydney and Melbourne.¹⁰

The Sudan War

The minor involvement in the Sudan War in 1885 was seen by some as the defence of Christianity against the infidel Moors. General Gordon's death in Khartoum in January 1885 aroused passions and patriotic fervour in the churches. Glowing references were made to him as a 'Christian and a soldier' in Brisbane churches. A contributor to the *Courier* saw him as a Christian martyr of old. His death would lead, if not to the growth of the church, at least to increased recruits for the army!¹¹ The Catholic *Australian* referred to 'the brave General Gordon' — without any reference to his protestantism!¹² More than in 1854 the conflict was seen as a crusade, this time against Islamic infidels — more readily identified as enemies of the faith than the Russians in the Crimean conflict. The *Courier* praised Gordon's 'unquenchable faith in Divine Guidance', but was severely critical of the British Government's 'policy of meddle and muddle' in Egypt.¹³

News of Gordon's death arrived in Sydney on 11 February 1885, and the next day the New South Wales Premier telegraphed London offering troops for the Sudan. The notion that an ex-convict colony could come to aid mighty Britain was too much for some in England to swallow. The London *Globe* declared, '[it] would be a pity to

⁸ When the future Catholic bishop of Brisbane, Robert Dunne, returned home to Ireland from Rome in 1854, he, in common with most Irishmen, supported Britain's involvement. See Neil J. Byrne, *Robert Dunne: 1830-1917: Archbishop of Brisbane* (St. Lucia, 1991), p. 33.

⁹ T. L. Suttor, *Hierarchy and Democracy in Australia 1788-1870*, (Melbourne, 1965), p. 158. Suttor comments that the Crimean War helped crystallise Anglo-Irish antipathies in Australia, complicated further by tensions within the Catholic community in Australia over Polding's attempt to anglicise the Catholic church in Australia. See Suttor, p. 161.

¹⁰ In the southern colonies, the churches were generally supportive of Britain's entry into the war, but one important voice was raised against it. At a public meeting held in Sydney in May 1854 a loyal resolution supporting Britain and the Queen was passed, but not before the leading Presbyterian cleric, John Dunmore Lang, expressed strong reservations about the war. He said '... there was much reason to question whether the war was a righteous one or not.' He received little support. See *People's Advocate*, Sydney, 27 May 1854, from F. Crowley, *A Documentary History of Australia*, vol 2. (Melbourne, 1980), pp. 274-275.

¹¹ *Courier*, 16 and 19 February 1885; C. M. H. Clark, *A History of Australia*, Vol IV. (Melbourne, 1978), p. 393.

¹² *Brisbane Australian*, 21 February 1885.

¹³ *Courier*, 7 February 1885.

decline the offer, but the national dignity precludes its acceptance by the Imperial Government'. However, two days later the offer was accepted 'out of compliment to [New South Wales]'.¹⁴ The *Courier* applauded the New South Wales gesture — 'The offer ... is one which will send a thrill through Australia', and urged the Queensland government to make a similar gesture, certain that a 'considerable number will no doubt offer themselves'. 'Nothing would make our fellow countrymen in England understand us better, or enable them to appreciate at once the genuine attachment of Australia to the Empire ...'¹⁵ Most citizens favoured sending troops. Archbishop Moran of Sydney gave £100 towards the Patriotic Fund for 'Orphans and widows in the campaign on which our brave volunteers are entering', and offered women from the religious Orders to go as nurses if required.¹⁶

Dissenting voices were heard. The *Bulletin* suggested that the offer of troops was accepted only to soothe colonial feathers ruffled by German activities in the Pacific. At a public meeting in the Theatre Royal in Sydney to protest at the sending of troops, Thomas Walker questioned the right of the British to be involved in the Sudan, and attacked the desire to avenge Gordon's death.¹⁷

One of the few to engage in critical reflection and question the motives behind the campaign was the editor of the Brisbane Catholic paper, the *Australian*:

Lord Wolseley is charged with the arduous labour of quelling the rebellion in the Soudan. It is called a "rebellion," but probably the Arabs do not look on their action as a "rebellion." ... The action of both the Home and the Colonial Governments in this matter seems anything but wise. ... Are they (the colonies) prepared to take part in any or every British war in the future? Suppose that England was at war with Germany, or France, or Russia, would the colonies be prepared to become beligerants [sic]?¹⁸

¹⁴ *Courier*, 16 February 1885.

¹⁵ *Courier*, 13 and 17 February 1885. Belatedly, after urging from the press and officers of the Queensland Defence Force, Griffith made a rather tentative offer to send troops from Queensland 'if requested'. However, that and offers from Victoria and South Australia were declined, with the possibility that the offers could be made again if the fighting continued into the northern autumn. *Courier*, 14 and 20 February 1885. See also R. B. Joyce, *Samuel Walker Griffith* (St. Lucia, 1984), p. 132. Joyce says that 'Privately Griffith had doubts', and this is borne out by the fact that no mention of a definite offer was reported in the press for several days, until 19 February. On 25 February the *Courier* stated, 'Mr. Griffith did not make a direct offer, but asked whether the Imperial Government would like to have a contingent from here.'

¹⁶ *Courier*, 16 and 25 February 1885.

¹⁷ '... I would help. no country to be unjust.(Loud applause) ... The day is coming when men will investigate before they battle, and will see that the cause is just before they fight. (Applause) ... What right had he (Gordon) and his soldiers in the Soudan! Is it then all honour and glory for a white man to fight even when the battle is unjust, but all dishonour and inglorious for a brave race to defend their hearths and homes! ... Is that treason in the Arab which is patriotism in the Scotch?' F. Crowley, *A Documentary History of Australia*, vol 3. (Melbourne, 1980), pp. 173-5. Sir Henry Parkes also made known his dissent. *Courier*, 26 February 1885.

¹⁸ Brisbane *Australian*, 21 February 1885.

Three weeks later the *Australian* commented again:

War is a glorious thing to read about in history. ... The reality is very sad and very terrible. Here in Australia we certainly have no good reason to engage in a war in Egypt which originated primarily in the natural desire of certain European capitalists to safeguard the money lent to the spendthrift rulers of Egypt.¹⁹

Two weeks later, the editor quoted with approval from an Address issued by the 'Peace Society' in England, which declared that it was 'indefensible', 'hideous', 'anti-Christian', 'immoral', and 'inhuman' to 'inflict wholesale slaughter and devastation on the country in order to win success and glory'.²⁰

Australian involvement was little short of a fiasco. A contingent of 750 men left Sydney in early March 1885, and reached Suakin on the Red Sea on 29 March. It arrived back in Sydney on 23 June, hostilities having ceased for the summer! At the end of the affair, the editor of the *Australian* described it as 'a regular farce'.²¹

For most Australians, however, the mere fact that a famous Christian had died fighting Islamic forces was sufficient cause to see it as a crusade against the infidels.

The Boer War

The threat of war in South Africa in 1899 presented a new opportunity to demonstrate loyalty to Queen and Empire, and this time Queensland was the first Australian colony to offer troops, on 11 July.²² Two days later the *Courier* supported the move. In October the editor wrote, '... our participation in war will give us new views of life and a larger outlook, and patriotism will become a reality in one corner of Australia ...'.²³ It was applauded by *The Times* (London) as a 'generous and patriotic offer'.²⁴ A Victorian Methodist minister wrote in the *National Review* that Queensland's offer 'makes visible and audible at one point a mood of feeling which extends throughout Australia'.²⁵ War began on 11 October 1899 and concluded on 31 May 1902.

19 Brisbane *Australian*, 14 March 1885.

20 The document quoted General Gordon's own words: 'That the people were justified in rebelling, nobody who knows the treatment to which they are subjected will attempt to deny. Their cries were unheeded in Cairo'. The editor concluded, '... we can hardly believe that it is greatly to the honour of Australia that this imbroglio is the very first occasion on which her sons have girded on their armour to do deadly battle'. Brisbane *Australian*, 28 March 1885.

21 'In fact the sending of this contingent has been a regular farce — a sham from beginning to end. England did not want it, and if she did it would have been worse than useless'. Brisbane *Australian*, 4 July 1885. Under pressure from France and Germany, and the threat of war with Russia in India, Britain was anxious for disentanglement from Egyptian and Sudanese intrigues.

22 *Courier*, 11 July 1899.

23 *Courier*, 13 July, 6 October 1899.

24 *Courier*, 14 July 1899.

25 *Courier*, 12 September 1899.

It was not possible to see the Boer War as a *crusade* against infidels. It was acknowledged by all that the Boers were deeply religious people, zealous Christians driven by their calvinist faith. They believed God was on their side. One of their leaders assured the burghers, 'God and the Mauser rifle will safeguard the independence of the South African Republic'.²⁶ President Kruger wrote to a friend that he had engaged in prayer for three hours, and he was now perfectly happy, the Lord had told him to fight.²⁷

If not a crusade, was it a 'just war'? Undoubtedly most Australians thought Britain justified in supporting the 'Outlanders',²⁸ — mostly without reference to the essential elements of a 'just war'. A few questioned the common assumption. In a long letter to the *Courier*, A. St. Ledger, 'a prominent Brisbane Catholic', protested on legal grounds that it was an 'unjust war'. While condemning Kruger, St. Ledger argued that the Convention of 1884 and subsequent dealings by Britain had recognised the independence of Transvaal. Therefore Britain should not intervene in its internal affairs. An editorial the same day argued to the contrary that Britain had never conceded complete independence, but the editor admitted that what was really at stake was 'British prestige'. 'Great Britain is not preparing for war simply to coerce the Transvaal but to assert her supremacy in South Africa, and with it her right to dominion in India and elsewhere'.²⁹ St. Ledger's letter led to further correspondence on the subject.³⁰

Most churches supported the war, yet somewhat hesitantly in a few instances. E. T. Dunstan in the Pitt Street (Sydney) Congregational church defended Britain's role and the coming war. '[It] is better that war should come now than that South Africa should, by and by, be rent in twain by a civil war, ... or that the Transvaal should be strong enough to form European alliances ...'³¹ On the other hand, the Congregational Union in that state was uncertain. After deleting a clause from an original motion expressing trust in the justice and humanity of the British government, it simply passed

26 *Courier*, 5 July 1899.

27 *Courier*, 30 September 1899.

28 The 'Outlanders' in the Transvaal were being denied the franchise by the Boers.

29 *Courier*, 3 October 1899; Ronald Lawson, *Brisbane in the 1890s: A Study of an Australian Urban Society* (St. Lucia, University of Queensland Press, 1973), p. 299.

30 'Democrat' argued that as the British were a superior race to those of Dutch extraction, 'a semi-civilised puny State', the British Outlanders must be protected. R. J. Cottell believed that 'the affairs of men are presided over by an invisible Deity. ... the Anglo-Saxon race has a mission — a glorious mission — to carry out in the future ... often at the cost of many sacrifices ...' *Courier*, 5 & 18 October 1899.

31 *Courier*, 5 October 1899.

a resolution regretting the conflict.³²

In the following May the Presbyterian Assembly met in Brisbane. It was addressed by the Governor, Lord Lamington, who said the war had developed the colony's manhood. The Assembly did not discuss the rights or wrongs of the conflict. It simply passed an Address to the Queen, expressing 'the earnest hope and prayer that in the gracious providence of Almighty God the war which she has been called upon to wage in defence of her Empire and the rights of her people will result in the establishment of permanent peace and harmony, just government, and *equal liberties among all the races inhabiting South Africa, ...*'.³³ A similar loyalty motion passed at the Assembly in 1901 expressed sorrow that the war had not yet been brought to a close.³⁴ Again there was no reference to the rightness of the conflict — more a concern for what would follow when it ended.

The first Assembly of the Presbyterian Church of Australia met in Sydney in May 1901.³⁵ In a wide-ranging address to the Assembly, the Moderator of the new body said, 'The Church is in the State as a power for good, forming as it does the chief factor in determining the moral character of the people. It is the conscience of the body corporate'. Yet neither in his address, nor at any point in the proceedings, was there any mention of the war in South Africa or Australia's involvement — questions that *were* troubling some people's consciences at the time. Perhaps the omission indicated a lack of unanimity within the church. The war was mentioned briefly at the next Assembly in September 1902, when a resolution was passed congratulating the Presbyterian churches of South Africa and the Dutch Reformed Church, 'on the establishment of peace in their land ...', but still no reference to Australian involvement.³⁶

32 'That this Assembly, being deeply sensible of the evils of war, regrets that the matters in dispute between Great Britain and the Transvaal have not come to a peaceful settlement, and expresses the earnest hope that the issue of the conflict will be the extension of popular liberty, and the protection and uplifting of the native races.' *Courier*, 28 October 1899; L. M. Field, *The Forgotten War: Australian Involvement in the South African Conflict of 1899-1902* (Melbourne, 1979), p. 45.

33 *Courier*, 9 May 1900 (emphasis added).

34 *Courier*, 8 May 1901.

35 This was formed by the union of the various state bodies in 1901.

36 *Minutes of the General Assembly of the Presbyterian Church of Australia* (Sydney, 1901), p. 19; *ibid.* 1902, p. 37. At the next Assembly in September 1903, a letter was received from the minister of the Presbyterian church in Pretoria seeking donations towards the erection of a building in that city as a memorial to Presbyterian soldiers killed during the war. 'The Presbyterian Churches of Australia and New Zealand sent many of their children to the front'. The Assembly received the letter, but defeated a motion to commend the appeal — again possibly indicating a measure of unease about Australia's role. *Minutes of the General Assembly of the Presbyterian Church of Australia* (Sydney, 1903), pp. 26-27, 55.

In his opening Address to the Anglican Synod in June 1900, Bishop Webber gave a probing assessment of the war. He was concerned that loyalty to the throne often made people intolerant of other views:

So overwhelming, indeed, has been their loyalty to the Throne, that the opinion that takes an adverse view of the war has scarcely been tolerated. Still, it has been a time, let me repeat, of great searchings of heart; and not a few excellent people have been unable to satisfy themselves of the rightness of the war.

Webber had some doubts himself. He did not see it as a clear case of right against wrong, but could justify the war as the lesser of two evils:

That there are worse evils than war no one denies; and it is only when it is made apparent that these worse evils would result from an opposite course that the conscience of the nation permits the acceptance of the less terrible alternative. ... The All-Father is on the side of neither Briton nor Boer; His will is for freedom....³⁷

The editor of the *Courier* was gracious in praising the wisdom in the archbishop's Address, even though Webber's assessment of the rightness of the war was far less positive than the editor's.³⁸

Catholic opinion was divided. Field comments that the Catholic church ran 'a poor second' to the Protestant churches in enthusiasm for the conflict.³⁹ The Catholic newspapers were publishing conflicting reports on the position of the Catholicism in the Transvaal. Some reports claimed Catholics had even less freedom than the other Outlanders. Others alleged atrocities against persons.⁴⁰

Irish-Australian Catholics were pulled in two directions. On the one hand the Boers were a minority fighting against their British overlords — sufficient in itself to draw some Irishmen to their cause. That led to the establishment of an Irish brigade in the Transvaal to assist the Boers.⁴¹ One anonymous correspondent of the *Sydney Freeman* declared 'that the sympathy of every Irish man and woman goes with the Boers in their gallant struggle against fearful odds'.

On the other hand, the Boers were strict old-fashioned calvinists, bitter enemies of the Catholic church and people, which led another correspondent, Father P. Dunne of Albury, to deny vigorously that anonymous assertion just quoted, claiming 'almost the

³⁷ *Proceedings of Synod*, 1900.

³⁸ *Courier*, 13 June 1900.

³⁹ L. M. Field, *The Forgotten War: Australian Involvement in the South African Conflict of 1899-1902* (Melbourne, 1979), p. 77.

⁴⁰ *Brisbane Age*, 14 October 1899; 18 November 1899; 13 January 1900; 10 February 1900; 17 February 1900.

⁴¹ *Brisbane Age*, 14 October 1899; N. Byrne, *Robert Dunne 1830-1917: Archbishop of Brisbane* (St. Lucia, 1991), pp. 204-205.

universal sympathy of the people is on the other side ... [the Boers] were bigoted and intolerant against Catholics, and the majority of them had no more idea of morality than a tom cat'.⁴²

A further complication was that it was possible to approve of the British action and yet question the Australian involvement. One Catholic leader who did approve was Bishop Gibney in Perth. Addressing a group of Catholics in a Western Australian contingent about to depart for South Africa, he said:

It was one of the boasts of the Catholic Church that, while it was the greatest constitution on earth, it was also the most united; while this occasion had given proof that the British Empire was like the Church. They — the Church and the State — were the two greatest constitutions of the world, and they in Australia had a great deal to be thankful for.

Gibney hoped the expedition would strengthen the bond between the colonies and the empire.⁴³

Archbishop Carr in Melbourne was similarly supportive: 'Catholics are as vitally concerned [in the war] as any of their fellow citizens ...'. In a Pastoral Letter he recognised the divergent opinions, but urged his flock to be content to leave decisions of war and peace to the rulers:

who on each side, are responsible to God for the outbreak and conduct of the conflict. Sufficient for them was what they believed to be the voice of duty or of patriotism, calling them to leave home and country, and in union with the citizen soldiers of many lands, to risk life and limb in defence of the common cause.⁴⁴

Cardinal Moran's attitude was equivocal. The *Age* carried a report from Sydney, 'It has been an open secret that his eminence the Cardinal has not been in sympathy with the part taken by Australia in the South African war'. Moran's concern was that Australian servicemen who had volunteered for service within Australia 'to defend their homes and defend the liberties of their country' should not be sent overseas.⁴⁵ At the same time he had no doubts about the war as such, and rejected charges of disloyalty that were levelled at him:

I have heard it stated that I am such a deadly enemy of the British Empire that I would rejoice in the defeat of her arms in South Africa. I can only say that so far from rejoicing in the overthrow of the Empire at the present day, especially in her colonial Governments, I would regard the decay of the Empire as one of the greatest blows that could befall the civilized world at the close of the nineteenth century.

Viewing matters in a religious light, no one can rejoice in the triumph of the Boers, for they

42 Reported in *Brisbane Age*, 18 November 1899.

43 *Brisbane Age*, 24 February 1900.

44 *Brisbane Age*, 10 March 1900.

45 *Brisbane Age*, 16 December 1899.

are the greatest enemies that the Catholic Church has at the present time. ...⁴⁶

Archbishop Dunne was in two minds regarding the war. Catholics had volunteered to go with the first contingent in 1899.⁴⁷ There were a disproportionate 200 Catholics in the sixth contingent of 500 that left Brisbane in May 1902. While Dunne was pleased that it was showing the world the 'worth of Queenslanders', he was unwilling to speak out publicly in support of war, for fear of jingoism.⁴⁸ He privately criticised the conduct of the war, and thought agricultural pursuits more important for Queenslanders.⁴⁹

The editorial policy of the only Catholic paper in Brisbane during the period, the *Age*, was largely pragmatic. Following British reverses early in the war, the paper criticised its conduct, and pondered whether England should expect Australia to send troops 'to cover British bungles'. The editor also echoed Moran's sentiments regarding the use of Australian volunteers overseas.⁵⁰ However, by May 1900 the editor was criticising delays in getting the Queensland contingent on its way — if they are to be sent, let it be done promptly.⁵¹ But by 1902, in the closing stages of the war, the editor had come to the conclusion that the war was not Australia's concern, and opposed further contingents.⁵²

Unexpected opposition to the Boers appeared in May 1901, when the *Courier* published a copy of a letter by a Dutch Reformed minister in the Transvaal, the Rev. H. E. du Plessis, to his fellow Reformed ministers in Cape Colony. While not anti-Boer, he alleged that the war contravened the laws of Christianity and civilisation, and urged them to withdraw their support from the Transvaal government.⁵³

Friction between the churches and the Queensland government arose briefly when it decided to send off the first contingent of troops on a Sunday, 29 October 1899. The

⁴⁶ Brisbane *Age*, 10 February 1900.

⁴⁷ Catholic women also offered their services as nurses, but were turned down.

⁴⁸ Neil J. Byrne, *Robert Dunne: 1830-1917: Archbishop of Brisbane* (St. Lucia, 1991), p. 204.

⁴⁹ *ibid.*, p. 205. Dunne later praised King Edward VII for having brought the war to an end in 1902.

⁵⁰ Brisbane *Age*, 23 December 1899.

⁵¹ 'As we seem to be, in some as yet unexplained way, committed to this contingent business, it is a matter of wonder to ordinary people why, when the men are gathered together and ready and anxious to get away, they should be kept hanging about for no reason apparent to anybody ... [when] everyone knows, by reading the cables, that the very best assistance that can now be given to Great Britain by her colonies is to send their men along promptly if they mean to send any at all'. Brisbane *Age*, 5 May 1900.

⁵² Brisbane *Age*, 12 April 1902, p. 6.

⁵³ *Courier*, 4 May 1901. The *Courier*'s motives in publishing the letter are uncertain. It may have been to convert waverers, but more probably it was seen as yet another indication of the rightness of the British cause.

Courier printed a letter from a Protestant minister, J. M. Bayles, protesting that the government was 'encouraging the desecration of the Sabbath' and doing its 'utmost to turn the Christian Sabbath into a day of pleasure-seeking'. Similar letters appeared the next day.⁵⁴ The government promptly changed its mind, and announced the departure would be on Monday 30 October. The *Courier* praised the flexibility of the government, and called for a united service conducted by the churches on the Sunday:

We want the representatives of all denominations to be there. And we want more; we would have them unite for once. ... let them worship together as they are to fight together; and let the representatives of the Churches interested rise to the occasion ... and gladden the hearts of relatives and of our entire people by unitedly commending the troops to the Divine care".

The challenge was accepted by three churches, and a united open-air service was held at the Meeandah⁵⁵ camp on the Sunday afternoon, attended by civilians as well as troops.⁵⁶

No chaplains went with the first contingent of troops in 1899, but the omission troubled church leaders. In May 1900 Bishop Webber sent C. V. P. Day as chaplain, with support from other major Protestant denominations. The *Courier* applauded the action, congratulating the bishop 'on his statesmanship and breadth of sympathy'. 'If there was one thing more than another which anxious hearts desired for our young soldiers it was that their self-denying enterprise might not be penalised by deprivation of home religious privileges ...'.⁵⁷ A total of seventeen chaplains were sent from Australia to serve with the troops.⁵⁸ Presbyterian and Anglican chaplains were also sent from Britain, and local South African ministers ministered to the troops, both Boer and Briton.⁵⁹

As indicated earlier (see above, pages. 178-79), the Boer War could not be seen as a crusade against infidels, but many considered it a 'just' cause. However, the resolutions passed by various church assemblies and statements by church leaders show a noticeable hesitancy — in contrast to the whole-hearted support by the churches in World War I.

Yet, it was at least arguable that the Boer War came close to fulfilling three of the four criteria for a 'just war'. It was being waged by a properly constituted authority. For

⁵⁴ *Courier*, 23 and 24 October 1899.

⁵⁵ Meeandah is on eastern side of Brisbane, near Eagle Farm airport.

⁵⁶ *Courier*, 25, 28, and 30 October 1899. The service was led by an Anglican, a Methodist, and a Presbyterian minister.

⁵⁷ *Courier*, 12, 15, and 18 May, 13 June 1900, 12 June 1901.

⁵⁸ Michael McKernan, *Australian Churches at War*, Studies in the Christian Movement No. 6, (Sydney, 1980), p. 40.

⁵⁹ *Courier*, 19 May 1900.

the majority in the British community the cause was seen as 'just'. And there was the intention of rectifying what was perceived as evil — even though history may not be as favourable in its judgement. Whether it met the fourth criterion, the question of whether it was being waged by proper means, is debatable. In modern warfare, especially guerilla warfare, it becomes difficult to define what means are 'proper'. Clearing the countryside of farmers' dwellings and herding women and children into camps does not fit comfortably into the patterns envisaged by the medieval theologians. The last three of the four requirements could all be controverted, especially with hindsight, but for those who lived at the time, it would have been reasonable to conclude that it was a 'just war'.

The Boer War was minuscule in its effects on Queensland, compared with the events of 1914-18. The initial enthusiasm soon died away. For the Australian colonies, the war in South Africa was overshadowed by the establishment of the Commonwealth. There was little controversy. There were few casualties — around two hundred and fifty dead and injured of the total of just under three thousand who went from Queensland. After the 1914-1918 conflict it became 'the forgotten war', as Field has aptly described it.⁶⁰

THE FIRST WORLD WAR

Perceptions of the war

Before 1914 the Australian churches had not concerned themselves to any significant degree with the issue of war as such. The earlier minor skirmishes had not forced the Australian churches or community to examine the basic issues. World War I changed that complacency.

The response of the Anglican church to the declaration of war in August 1914 could be interpreted superficially as nothing more than unquestioning patriotism and loyalty to the crown. There would have been a strong element of that, given that many of its members still thought of England as 'home'. Throughout the war the Synods repeatedly affirmed the loyalty of Anglicans to 'the person and Empire of His Majesty King George V'.⁶¹ The leaders of the Anglican church, however, reacted to the sudden emergency with a willingness to reflect on the situation from the stand-point of the faith they were committed to uphold. This was especially true of Donaldson (Archbishop of Brisbane), described by McKernan as 'the outstanding man' amongst

⁶⁰ L. M. Field, *The Forgotten War: Australian Involvement in the South African Conflict of 1899-1902* (Melbourne, 1979).

⁶¹ *Proceedings of Synod*, June 1916, p. 43.

the Australian bishops of the time.⁶²

Donaldson looked for a theological rationale for the war, and found it in his conviction that the British Empire was an instrument in the hands of God. In his Pastoral Letter of November 1914 he spelt out this theme:

For years and years past many of us have been possessed with a profound conviction of our Imperial vocation. We have been conscious of certain qualities which are characteristic of our race. We have seen those qualities express themselves wherever the British race has expanded. We have been conscious of a genius for freedom, for incorruptible justice, for sympathy for the native races, and wherever our Empire has expanded, it has expanded less through war than through the application of these qualities in the practical work of government. We have seen all this, and our soul has been possessed with the unshakeable conviction that in its great career, the British race has been responding to the vocation of God. God called us into being. ... *We have sinned, it is true; ... The history of our Empire's expansion is stained with avarice and selfishness. ... In our strength we have grown luxurious and self-indulgent and proud. ...* but in spite of it all we can claim ... that the extension of our Empire has, on the whole, been for the good of humanity. ... [Now] *God in His mercy has called us to suffer and awake lest our sins should prove our undoing* ⁶³

That was the rationale: God's servant among the nations, the British Empire, had not been as faithful as she ought, and so the war had burst upon her to test and purify her. Looked at in this way the war was not so much a disaster as an opportunity for the churches to lead the nation to a spiritual awakening.⁶⁴

The same theme underlay the Pastoral Letter issued by all the bishops of the Anglican church in Australia calling for the first Sunday in 1915 to be observed as a day of prayer — though perhaps with somewhat less certainty than was evinced by Donaldson:

We feel that the awful visitation should be used to bring us all nearer to God, ... We believe that these are days of great spiritual opportunity; ... if only we can seize the opportunity and enforce the teaching of the moment, our people may emerge from the ordeal a stronger, because a more God-fearing race. ... It is, therefore, our duty to urge insistently this call to place ourselves and all that belongs to us humbly in the hands of Almighty God.

But, in addition, as citizens of the Empire, we recognize the grave perils through which the Empire is passing, and the necessity of praying God for victory, if it be His will.⁶⁵

⁶² Michael McKernan, *Australian Churches at War*, Studies in the Christian Movement No. 6, (Sydney, 1980), p. 11.

⁶³ *Church Chronicle*, 1 December 1914, p. 244, (emphasis added). Donaldson's adulation of the British Empire, while it falls short of glorifying and absolutising it, does have some points of comparison with the theology of war which had developed in Germany at that time. That had evolved largely out of Hegel's philosophy. The same philosophy was having a less direct impact on British theology in the late nineteenth century, to which Donaldson would have been exposed. See Julian Jenkins, 'War Theology, 1914 and Germany's *Sonderweg*: Luther's Heirs and Patriotism,' *Journal of Religious History* 15.3 (1989), pp. 292-310.

⁶⁴ Unlike Bishop. Stephen in Tasmania, Donaldson was not attacked in the local press for his admission of guilt within the British race. Michael McKernan, *Australian Churches at War*, Studies in the Christian Movement No. 6, (Sydney, 1980), p. 64.

⁶⁵ *Church Chronicle*, 1 January 1915, p. 5.

The underlined words (in original) suggest that Donaldson's 'profound conviction' did not run quite so strongly in his fellow bishops. It is unlikely that his conviction and refined theological approach would have been shared by many Anglican lay people. Where that was lacking, however, patriotism took over, and so in practical terms of supporting the war and working for the defeat of Germany, there was little difference.

The Anglican Synod (Brisbane) in June 1915 was the first since the outbreak of war, and opportunity was taken to pass a resolution supporting the entry of England and the Empire into the war:

That this Synod views with the deepest regret the present War in Europe ... It believes, however, that in taking part in this War, England and the Empire are discharging obligations wholly honourable and are championing a cause incontestably righteous. ... This Synod therefore pledges itself to support the Government in the prosecution of this War to the utmost of its power.⁶⁶

The Anglican responses to the war, especially Donaldson's, display elements of the traditional 'just war' theory, with its four requirements (see above, page 174-75). It was being waged by a properly constituted authority. Because German aspirations were seen as a threat to civilisation, the cause was perceived to be 'just', and there was the intention to re-establish good in place of evil. However, there was no attempt to deal with the fourth requirement dealing with the methods of warfare — understandable in view of the rapidly changing methods of killing the enemy.

Combined with those elements of the 'just war' theory there was in Donaldson's views the strong sense of imperial destiny as shown in the above quotations. To some extent that placed his overall position at least slightly towards the outlook of the crusader.

The crusader approach was fairly explicit in some of the editorials in the *Chronicle*, the Synod paper. In January 1915 an extended editorial analysed the war in terms of Christian history. The argument was that from time to time down through history, the Anti-Christ appeared in the likes of Napoleon Bonaparte, and now in the German nationalism stemming from the Prussian ruling caste. It was 'an attempt to establish a new religion at the cost of that which we now profess'. The new religion would be 'the worship of mankind'.⁶⁷

For his part, Archbishop Dunne was not anti-German. From his early years in the colony he had many German friends since his time on the Downs. But he was concerned about Germany's aims. In the 1880s he had urged the Premier to annex

⁶⁶ The motion was moved by Canon Micklem, and supported by a layman, Dr. J. I. Moore. *Proceedings of Synod*, June 1915, p. 35.

⁶⁷ *Church Chronicle*, 1 January 1915, p. 10.

New Guinea. He was not a pacifist. Byrne comments that 'he was always susceptible to the bugle call and the drum roll'. However, by 1914 he was an old man of 84, and did not publicly support the war, though he did in private. He was pleased when the sons of prominent Catholic families enlisted, and privately favoured conscription.⁶⁸ Dunne died in 1917.

During the early years of the war, Dunne's coadjutor archbishop, James Duhig, was in the process of taking over the reins, and he was actively involved. On the eve of war he was applauded when he declared to a Catholic gathering at Booval the unreserved loyalty of Irish Australians.⁶⁹ Boland asserts that for Duhig it was not simply a 'just war'. For him it became more a crusade. 'He saw himself as some warrior bishop from the Middle Ages — ... a crusading pontiff leading the vowed knights in the recovery of Christian lands'. Gallipoli brought visions of Christian forces on the way to Constantinople against the infidels.⁷⁰ In contrast to Donaldson, however, he did not see the war as a punishment sent by God to cleanse the nation of evil.

An element of that type of thinking appeared in some Catholic utterances later. At the start of the war the editor of the *Advocate* gave unqualified support. 'Britain enters the war with clean hands. ... It is good to know that in her time of trial the Motherland is to have the whole-hearted support of her sons all over the world'. Later the paper commented that the war had struck a blow at the materialism of the day — people in Brisbane were talking about God! In December the editor took a view similar to Donaldson's: 'One of the effects of war is that people will be brought nearer to God'. This strong support continued through 1915. The *Advocate* noted in October of that year, 'this is the only war in which England has had universal Irish sympathy and support behind her'.⁷¹

Despite this strong support, Catholics came under fire at times because of the attitude of the Pope to the war. If the allied cause was right, why didn't he support them? The editor of the *Advocate* answered this by pointing out that when 'so called Christian nations' went to war, it was impossible for the Pope to take sides. He could only plead for peace. The editor pointed out that while Germany was at fault, the British people were not untainted. He quoted words of a Sydney priest, Father O'Reilly, who portrayed the war at least partly the result of hypocrisy, materialism, forgetfulness of

⁶⁸ N. Byrne, *Robert Dunne 1830-1917: Archbishop of Brisbane* (St. Lucia, 1991), p. 232.

⁶⁹ *Catholic Advocate*, 6 August 1914.

⁷⁰ T. P. Boland, *James Duhig* (St. Lucia, 1986), pp. 129-30.

⁷¹ *Catholic Advocate*, 6 August 1914; 15 and 22 October 1914; 3 December 1914; 7 October 1915.

God amongst the Anglo-Saxon people. The war was God's punishment, his way of purifying the nation. This was similar to Donaldson's views, but without the latter's sense of the divine mission and destiny of the British Empire.⁷²

Soon after the outbreak of war the *Advocate* quoted Archbishop Carr in Melbourne. Having outlined the theory of the 'just war', he had declared, 'The Australians who were going to fight in the present war had the satisfaction of knowing that it was a 'just war''. All the necessary conditions existed.⁷³

Because the great majority of Australian Catholics were of Irish descent, their perception of the war was related to events in Ireland. Early in the war the Home Rule Bill had been passed by the British Parliament, and Catholic support for the war was generally strong during 1914 and 1915. It was weakened when the Easter uprising in Dublin in 1916 and the executions of its leaders caused tremendous tensions in the Catholic community (See below, page 203). Duhig, with most Catholic leaders in Australia, condemned the uprising, and continued to support the war, but in a more muted manner. He was in a difficult position, and was alienated from some within the Catholic community.

At its first meeting after the outbreak of war, in May 1915, James Cosh, minister of the Ann Street Presbyterian Church, presented the Presbyterian Assembly with a motion relating to the war. Earlier, Cosh had stated that 'he was convinced that Germany was ... 'doing nothing but the devil's work'.⁷⁴ His motion described the war as a 'justified war', and protested 'against the barbarous and inhuman methods of warfare adopted by the enemy, ... The Assembly exhorts our citizens to meet the call of the Empire ...' James Gibson, a pacifist and the editor of the church's paper, the *Messenger*, moved an amendment referring the motion to a committee for revision, which was accepted. Gibson agreed that, as the world was then constituted, the war was unavoidable. But he would resist the church sanctioning any war. The Moderator over-optimistically declared that the members of the Assembly were all 'wholly and loyally at one' on the subject of war!⁷⁵

The revised motion, however, had even stronger language. It declared 'this war is a just and necessary war, forced upon us by the evil ambitions of Germany' — pacifist opinion in the Assembly was a minority view. One distinctive change, however, came

⁷² *Catholic Advocate*, 27 January 1916.

⁷³ *Catholic Advocate*, 22 October 1914.

⁷⁴ *Courier*, 12 May 1915.

⁷⁵ *Courier*, 13 May 1915.

in the final paragraph, with a somewhat oblique acknowledgment of national wrongdoing. The Assembly urged 'increasing prayer ... that the nation, through the dreadful experience of this time, *may be purged and delivered from many evils, and be brought closer together in the spirit of brotherhood; ...*'⁷⁶

While not sharing Donaldson's convictions regarding the God-given destiny of the Empire, the Presbyterians expressed the same conviction about the rightness of the war and its ultimate moral outcome. Within the Assembly, the two extremes of opinion were represented — on the one hand by Gibson, a pacifist, and on the other by Cosh, who saw the war as a crusade against a nation doing the devil's work. The same was probably true of the church's membership generally, judging from the letter of M. Henrey to the *Courier*, who called for 'less humbug' from Gibson, and saw the war in Old Testament terms of a holy war, a crusade against evil.⁷⁷

Early in the war the government asked the churches to undertake the delivering of the telegrams informing next of kin of death or wounding at the front. The churches agreed, seeing it as a recognition of their role in society and their close links with the people. It was regretted later by parish ministers, however, as the arrival of a clergyman at the front door was often greeted with dread by the occupants.⁷⁸

As McKernan has pointed out, at the beginning of the war there was a lively expectation in the churches that the unfolding events would lead to a great renewal of faith in Australia.⁷⁹ For the first few weeks the hope looked like coming to fruition. Churches reported greatly increased attendances at services. Before long, however, these fell away to near the former levels, at least in most Protestant churches. It was reported that in the Anglican churches 'there seems to be fairly general agreement amongst the clergy in Brisbane that church attendance has fallen off considerably since the war began, and shows signs of falling off still more'.⁸⁰ Church leaders realised there was no certainty of a religious revival. If it was to come it would require major efforts by the churches themselves. The editor of the *Advocate* took pleasure in reporting this decline in Protestant church attendance. Catholic attendances were remaining high, which demonstrated the superiority of Catholicism. 'Catholicity is

⁷⁶ *Minutes of Proceedings of the General Assembly of the Presbyterian Church, State of Queensland* (Brisbane, 1915), pp. 18-19, 29 (emphasis added).

⁷⁷ *Courier*, 19 May 1915.

⁷⁸ Michael McKernan, *Australian Churches at War*, Studies in the Christian Movement No. 6, (Sydney, 1980), p. 73.

⁷⁹ *ibid.*, pp. 27 ff.

⁸⁰ *Church Chronicle*, 1 December 1915.

coming into its own'.⁸¹ There was still a continuing belief amongst the leaders of the churches that God was chastising the nation for its sinfulness, and that this set the stage for renewal, provided the churches worked in harmony with his purposes.

The leaders of the major denominations in Queensland, Catholic and Protestant, called for a day of prayer on 11 December 1915. Donaldson issued suggestions for Anglicans taking part: Australians had enjoyed 'unparalleled *prosperity*', but with the wealth had come '*self-indulgence*' — there were indications

that we British are the most *self-indulgent* of all people ... [and] Prosperity has also brought *self-confidence* and *pride*. ... And so the War came to chasten us back to faithfulness. But fifteen months have passed, and still the nation is impenitent and the church has not awakened [sic] to its failure and sin. Our special services have grown stale. ... Yet the opportunity is with us. It is not yet too late.⁸²

In his address to the Queensland Provincial Synod in September 1915, he issued another call for national repentance:

I believe we have reached a psychological moment. ... The time has come for repentance. ... We stand as a race at the parting of the ways: and the choice I believe is between repentance and the beginnings of dissolution: between a race exalted and purified through trial and a race hardened beyond repentance. ... War has come, we are all saying, ... to chasten us. Has it even begun to chasten us? What real signs are there of national repentance? ...

On the contrary a veil of self-satisfaction seems to have clouded our minds. ...

And this self-satisfaction amounts I fear to actual and very coarse self-satisfaction the moment we think of our enemies and of our just cause. ... Under the sacred name of patriotism the carnival spirit has been running riot, and every sort of unhealthy excitement has been running riot. ... What the nation needs—what we all need—is repentance. ...

It is the Church's business to make the people repent. It is the Church's duty to awaken the conscience of the nation. ...

The conditions are favourable: the people will listen: may God in His mercy enable His Church to speak.⁸³

Catholics likewise looked for repentance. The *Advocate* lamented,

Nothing has been more disappointing than the failure of the world war to bring the nations to repentance. As to ourselves, so far are we from "humbling ourselves under the mighty hand of God," that it would seem as if we had become more material and earthly than before.⁸⁴

From the churches' perspective, renewal meant more than increased attendances, it meant moral renewal. For many decades the churches had campaigned on various social issues, especially drinking and gambling, with little success. Protestant leaders

81 *Catholic Advocate*, 4 February 1915.

82 *Church Chronicle*, 1 December 1915.

83 *Church Chronicle*, 1 October, 1915.

84 *Catholic Advocate*, 11 October 1917.

believed that the war gave a greater urgency to these matters, as victory in war and the salvation of the nation depended on moral renewal. The war served as an ally for the churches in pressing governments to restrict these pastimes (see below, page 223, and the following chapter).

The conviction that the Christian life implies involvement in society caused the churches to see themselves as integral parts of the nation. As the British cause was 'just', the immediate task was for the churches to support the war effort. This required action in several areas:

- (a) calling the nation to repentance and prayer;
- (b) calling the nation to a willing acceptance of sacrifice, especially the recruitment of men for the armed services; and
- (c) providing chaplains to care for the troops' emotional and spiritual welfare.

Most church leaders threw themselves enthusiastically into such efforts, and none more vigorously than Donaldson in the Brisbane diocese.

Recruitment

It was on the matter of recruitment that Donaldson focussed his diocese's attention. It was reported many times that recruitment in Queensland lagged behind the other states. Donaldson took up the matter in his address to the Brisbane Synod in June 1915, less than two months after the Gallipoli landings. By then, the casualty lists had brought home to the Australian people the realities of war:

But our very awakening brings with it a sharp pang of anxiety, and we must deal plainly with ourselves and with the general tone of Australian life.

The situation is critical ... not for military or financial reasons, but for moral reasons. ... The governing forces in this war are spiritual forces, and the conflict is a conflict of national spirit. ... Victory will not come to those who are not prepared to go all lengths in sacrifice.

Now the main indication of the national spirit is the eagerness of the nation's manhood to get to the firing line. ... the first essential is the steady flow of recruits, ...

Ought we to aid in appealing for recruits? I have no doubt that we ought. ... we are bound to spare no effort or sacrifice and to call others to spare no effort or sacrifice in the prosecution of [the war] ...

But ... How can we urge others to go if we are not prepared to go ourselves?

Donaldson foresaw that clergy could be seen as hypocrites, urging men to enlist but not willing to go themselves. He based his answer on religion's importance to the nation at war:

Now in the forming and maintaining of this spirit [of sacrifice], incalculably the greatest element is the power of religion. ... religion is the one force which can bring us safely and worthily through. ... Above all else the strength of the nation will lie in the penitence which

true religion will bring.

Looked at then from the national point of view, the maintenance of true religion ... is the chief essential to the national wellbeing; and that means that the clergy are wanted more than ever at their posts among their flocks. ... As certain men, whose training and aptitudes lie in the arsenals and dockyards rather than in the trenches, must be kept at home lest the country fall short in the munitions of war, so we whose aptitudes and training lie on the spiritual side of life must stay at our posts to witness more earnestly than ever for the things unseen.

We must appeal then for recruits even though we stay at home ourselves. ... we shall probably come under scornful criticism from thoughtless men; ... We must face this.

But meanwhile we will aid in calling the nation to arms.⁸⁵

Donaldson's fear was well founded. When the campaign for conscription got under way in the second half of 1916, anti-conscriptionists within the union movement attacked the clergy for claiming the right to stay home, but at the same time being the first to urge conscription on the nation.⁸⁶ To deflect criticism, Donaldson announced early in 1916 that he would refuse to accept any candidates for ordination if eligible for enlistment. It could not then be alleged that men were entering the ranks of the clergy to avoid fighting. Reiterating the point made by Donaldson to the Synod, the *Chronicle* commented that priests in their pastoral role were already engaged in war-service.⁸⁷ The Primate, Archbishop Wright, at the General Synod in November 1916, defended the role of the clergy, pointing out that many sons of Anglican rectories had enlisted.⁸⁸

In June 1915, the *Chronicle* had reported that the news from Gallipoli had led to a slight increase in recruitment:

It was good to hear that one result of the news from the Dardanelles, with the accompanying list of casualties, was a slight increase in the numbers of those who offered themselves for enlistment in the Expeditionary Force. But the increase was only slight, and, in Queensland particularly, the numbers are nothing like what they ought to be.

The same issue devoted a full page with banner headline —

WHY SHOULD I ENLIST?

A QUESTION FOR THE MEN OF QUEENSLAND

⁸⁵ *Proceedings of Synod*, June 1915, pp. 15-18.

⁸⁶ *Worker*, 28 September 1916 and 19 October 1916.

⁸⁷ *Church Chronicle*, 1 March 1916, pp. 44 & 45. The Archbishop of Canterbury had earlier expressed the opinion, based on Canon Law, that priests had no right to enlist. The Catholic Church similarly would not allow priests to voluntarily bear arms, and protested when some countries conscripted them. Thirty thousand were reported to have been conscripted in France. See editorial in *Catholic Advocate*, 6 January 1916.

⁸⁸ *Church Chronicle*, 1 November 1916.

The editor set out all the reasons he could muster for a positive answer.⁸⁹

Donaldson threw himself into the recruiting campaign, appearing on numerous platforms with politicians and others. He served on the Brisbane Recruitment Committee, and with two of his leading priests, Micklem and Garland, spoke from a wagon and other platforms during the Exhibition week in August with considerable success. In reporting this, the *Chronicle* commented that apart from the increase in recruits,

the effort could not fail to have an educative effect upon the general public. The fact that Cabinet ministers, religious leaders, and other prominent citizens united in making the appeal must have convinced everyone that the appeal was one of more than common urgency.⁹⁰

The following April the *Chronicle* sought to justify the church's stand in calling upon the men of Queensland:

God is using our soldiers for the ultimate triumph of ideas and ideals which are His, they are fulfilling the purpose of their presence on earth *by a quickly consummated sacrifice*, ... and having fulfilled their purpose here *they pass on to Paradise* for further, fuller development until we and they ... come to take our places in the perfect kingdom.⁹¹

The editor had moved somewhat from the 'just war' position towards a crusade mentality. As the medieval crusaders were granted indulgences assuring them of a quicker passage to their eternal reward, so it would be with the Australian soldier who gave his life.

Industrial strife did not cease with the outbreak of war, and was a matter of concern to all the churches. In a sermon preached at the 1916 Synod, Bishop Le Fanu spoke of the fragility of industrial peace. Duhig had made a similar reference at Helidon in the previous month. While praising the working classes for their contributions to building programmes, Duhig urged moderation on union leaders.⁹²

The first Anzac Day on April 1916 was observed in Brisbane with great solemnity and ceremony. Schools were closed. Church parades were held early at the camps, after which the troops moved into the city for services in many churches. Massed civic observances took place later in the day.⁹³ Donaldson was carried away by his enthusiasm in St. John's. He declared, '[the Anzacs] in one bright flash of revelation, stung Australia into manhood, they have given us a new vision of the meaning of our

⁸⁹ *Church Chronicle*, 1 June 1915.

⁹⁰ *Church Chronicle*, 1 September 1915, p. 173.

⁹¹ *Church Chronicle*, 1 April 1916, p. 70 (emphasis added).

⁹² Duhig 'hoped they would modify their demands for higher wages in times of stress'. *Courier*, 13 June and 22 May 1916; *Church Chronicle*, 1 August 1916.

⁹³ *Courier*, 5 and 8, and 25 April 1916.

national life and destiny; ... Australia can never be the same again'. The flag of the 9th Battalion carried at Gallipoli was received by Donaldson and consecrated.⁹⁴ While Donaldson was pointing to the 'bright flash of revelation' in St. John's, Duhig in St. Stephen's lauded the 'courage and endurance' evidenced at Gallipoli. He was sure it would be shown by all Australian troops. Those who had been wounded could be sure their scars 'had been made glorious by the justice and nobility of the cause in which they had been received'.⁹⁵ The *Courier* spoke of the 'sacred dead', the *Advocate* of 'Our Noble Dead'.⁹⁶ At a great gathering of citizens in the evening, Duhig paid tribute to the national unity created by the events at Gallipoli. Catholics, Protestants, and others would 'go forward with one united determination, and please God, would persevere until the war was brought to a successful and glorious conclusion'.⁹⁷

Duhig supported recruitment strongly in June 1916. For example, when the Labour government withdrew approval for state school children to participate in a recruitment procession, Duhig pledged the involvement of Catholic school children — in spite of strong opposition from some Catholic members of the government.⁹⁸ Visiting Goondiwindi in September he was proud to discover that one third of the Hibernians had enlisted.⁹⁹

Most Protestant denominations likewise gave support. The motion passed by the Presbyterian Assembly in May 1915 (see above, page 195) included a paragraph promoting recruitment: 'The Assembly places before our people the needs of the Empire, and exhorts them to take their own duty into most conscientious ... consideration, that they may respond ... to the call for personal service' The Assemblies in 1916, 1917, and 1918 sounded more urgent notes.¹⁰⁰ It was reported in March 1916 that the Presbyterians in England had decided that clergy may enlist.¹⁰¹

The churches' unanimity in support for the war and recruitment came under severe strain from mid 1916. Two developments drove a wedge between Catholics and Protestants. First, the unsatisfactory level of voluntary enlistment in Queensland

94 *Courier*, 26 April 1916,

95 *Brisbane Age*, 29 April 1916.

96 *Church Chronicle*, 1 May 1916; *Courier*, 26 April 1916; *Catholic Advocate*, 27 April 1916.

97 *Catholic Advocate*, 27 April 1916.

98 J. A. Fihelly in particular, described by Boland as Duhig's friend. *Courier*, 17 June 1916; T. P. Boland, *James Duhig* (St. Lucia, 1986), p. 137.

99 *Brisbane Age*, 30 September 1916.

100 *Minutes of Proceedings of the General Assembly of the Presbyterian Church, State of Queensland* (Brisbane, 1915), p. 29; *ibid.* (1916), p. 32; *ibid.* (1917), p. 32; *ibid.* (1918), p. 12.

101 *Church Chronicle*, 1 March 1916, p. 45.

caused the Anglican and other Protestant churches to think favourably of conscription. Then the Easter rebellion in Dublin and the execution of the ringleaders caused most Australian Catholics to have second thoughts about the war. While continuing to support the war, they became bitter opponents of conscription.

Local recruitment committees had been established in many centres, largely on a voluntary basis, with a limited amount of support from the military authorities. These fitted into a hierarchy of such committees at federal, state, and local levels. Ninety-two such committees had been set up in Queensland.¹⁰² The clergy of all churches played a prominent part in many of them, though it was alleged later that Catholic priests often held back.¹⁰³ Shaw draws a comparison between the typical recruitment rally and a religious revivalist meeting — entertainment, followed by rousing speeches, and then the call for volunteers.¹⁰⁴

The recruitment personnel provided by the Federal government were often limited by insufficient funding, having to depend largely on voluntary contributions. That led the *Courier* to call for the state government to assist, but with little response from the Labor government.¹⁰⁵ Insufficient funding was compounded by a growth of complacency in early 1916. There seemed to be a stalemate on the western front, and there were hopeful signs the enemy would soon be in retreat.¹⁰⁶ In Edinburgh, Prime Minister Hughes had inadvertently contributed to this when he declared it was impossible for Germany to win.¹⁰⁷ At that stage he was not persuaded of the necessity for conscription. Even when he returned to Australia at the end of July, after extensive discussions with the war cabinet in London and a visit to the front line, he was still only 'half convinced'.¹⁰⁸

The *Courier* warned of this general complacency in the community. Too many believed that the war was 'progressing with wonderful success and the fruits of victory will soon be in the hands of the allies ... no further effort is needed'.¹⁰⁹ The Editor of the *Chronicle* sounded a similar warning, blaming complacency for 'the falling off in

¹⁰² *Courier*, 12 July 1916; *Queensland Parliamentary Debates*, vol. CXXIII, p. 731.

¹⁰³ *Courier*, 3 October 1916, letter from W. Smith, Methodist minister, attacked Catholic priests for doing little to recruit men, even discouraging them.

¹⁰⁴ G. P. Shaw, *Conscription and Queensland 1916-1917*, B.A. (Hon.) Thesis, University of Queensland, 1966, p. 55.

¹⁰⁵ *Courier*, 19 April 1916.

¹⁰⁶ *Church Chronicle*, 1 May 1916, p. 83.

¹⁰⁷ *Courier*, 28 April 1916.

¹⁰⁸ Fitzhardinge, L. E., 'Hughes, William Morris' in *Australian Dictionary of Biography*, vol. 9 (Melbourne, 1983), p. 397.

¹⁰⁹ *Courier*, 14 April 1916.

recruiting'.¹¹⁰

Conscription

The relative failure in recruitment led the federal government and most Protestant church leaders to conclude that conscription was a necessity. The nation as a whole would never make the necessary sacrifices and give adequate support to the troops already in the field if it was left to voluntary recruiting. On this issue the Protestant churches were ahead of the government in their thinking. Already in February 1916 the editor of the *Chronicle* had commented:

The great topic of the hour is compulsory military service. ... if the moment comes in Australia, as it has already come in England, when our leaders can assure us that the voluntary system is unable to meet the Empire's need, we trust that the anti-compulsionists will shrink into a small and insignificant minority.¹¹¹

The following month the paper reported that March 1 saw the enrolment of the first battalions of conscripts in England.¹¹² Opponents of conscription, fearing that Australia would soon follow, were gathering their forces. In January 1916 the *Chronicle* reported on the existence of the 'Anti-Military and Anti-Conscription League', which had attacked the churches in a circular:

The Churches in certain cases have been turned into recruiting offices, and the clergy, who have vowed to serve under the banner of peace, are doing all they can for the God of War. Whilst Judas sold his Master for thirty pieces of silver, some of these appear to have got a much higher price.

The editor pointed to an inconsistency in the arguments advanced against the war by those who believed in the 'class-war':

The movement of which we speak has its headquarters at the Trades Hall, and numbers amongst its advocates men who have openly said that for them there is only one war and that is the class war. ... If war is wrong in itself, then the class war is wrong in itself. If peace is desirable in itself, then class peace is desirable in itself. The Trades Hall peace advocates cannot have it both ways; they cannot plead for peace between the nations and for war between the classes; they cannot urge us to love the Germans, and at the same time to hate the capitalists.¹¹³

Donaldson gave strong support to the government in the two referenda held on the issue. At the opening of the Synod in June 1916, Bishop Le Fanu, Donaldson's Co-Adjutor, declared, '... in Australia the voluntary principle has broken down'. He pointed to what he described as 'miserics of advertisement and wind' of recent weeks

¹¹⁰ *Church Chronicle*, 1 May 1916, p. 83.

¹¹¹ *Church Chronicle*, 1 February, 1916, p. 30.

¹¹² *Church Chronicle*, 1 March 1916, p. 44.

¹¹³ *Church Chronicle*, 1 January 1916, p. 3.

in recruitment, in particular, the procession of children (from Catholic schools) the previous week.¹¹⁴ In spite of opposition from one dissident, R. O. Bourne, a layman who did not think the Synod a proper place to consider such a motion, the Synod passed a resolution in favour of 'the nationalisation of the manhood of Australia'.¹¹⁵ Donaldson disagreed with Bourne — it would be cowardly for the church to avoid the issue. As the government had in a sense already conscripted wealth, the need then was for the conscription of life.¹¹⁶ Mistakenly, as events proved, the *Courier* took the Synod decision as evidence that the country generally favoured conscription.¹¹⁷

At a Conference of recruiting committees on 24 June 1916, Garland moved 'that in the opinion of this meeting the time is now ripe for conscription, and the Federal government be asked to give an answer one way or the other'.¹¹⁸ In July there was established in Brisbane a Queensland Branch of the Universal Service League, to 'support the principle of Universal Service without the present sinister and crippling restriction that men must not be called on to serve beyond the bounds of the Commonwealth'.¹¹⁹ At its inaugural meeting in August, civic figures and several Protestant clergy, including Garland (Anglican) and Rowe (Methodist), were present. Branches were organised throughout Queensland. Rallies were held to promote conscription and encourage Hughes to declare himself in favour.

An attempt was made to involve the Catholic church by inviting Duhig to become a Vice-President of the League. Whatever his personal inclinations, events forced him to decline the invitation. 'As the acceptance of the position of vice-president of the Universal Service League would be inconsistent with my views on the conscription issue, as published in the press, I beg gratefully to decline'.¹²⁰ Similar attempts were made to get the Premier, or failing that, a government Minister to accept a Vice-Presidency. Like Duhig, the Premier declined, but John Adamson, the Secretary for Railways, eventually accepted. (See below)

114 *Church Chronicle*, 1 August 1916, p. 148.

115 We might wonder how a government would go about nationalising an intangible reality like 'manhood'!

116 *Courier*, 17 June 1916, p. 5.

117 *Proceedings of Synod*, June 1916; *Church Chronicle*, 1 July 1916, p. 124. The latter mentions that the editor of the *Courier* had quoted the decision as evidence that the country was now in favour of conscription.

118 *Courier*, 12 July 1916.

119 *Courier*, 13 July 1916; *Courier*, 8 August 1916; *Queensland Parliamentary Debates*, vol. CXXIII, 1916, p. 297.

120 *Courier*, 9 October 1916; *Brisbane Age*, 14 October 1916.

Alarmed by the growth of the Universal Service League, those opposed to conscription organised rallies. The first was held on 3 August in Brisbane, when the main speakers were a local Member of the Federal Parliament, Finlayson, and a pacifist brought in for the occasion, the Rev. J. Rivett from Sydney, who urged a return to peace and brotherhood with Germany.¹²¹

Many unionists were opposed to the war, seeing it as a capitalist plot to destroy the unions. There were few genuine pacifists as such. There were small groups, such as the Quakers, which were explicitly pacifist, and from the ranks of the clergy of the major churches there were a few individuals who spoke out as pacifists. J. H. McDougall, the Congregational minister at Moorooka (the *Courier* referred to him as 'a student of the Congregational College') spoke at a large anti-conscription rally in September, and voted against the Congregational Union's motion supporting the Referendum.¹²² Donaldson had contended that the state had a right to claim the life of the individual in time of war. McDougall maintained that 'the State never gave him his life, and the State would never have his conscience'.¹²³ In the 1917 anti-conscription campaign the editor of the *Advocate* made a similar statement: 'God has given life to man, and He alone has the right to take it from man. So no Government ... has the right to dispose of a man's life, so long as he does not forfeit it by some crime deserving of death'.¹²⁴ McDougall with nine other Protestant ministers from the southern states issued a *Manifesto from Protestant Ministers: 'CONSCRIPTION AND CHRISTIANITY'*, addressed to the Electors of Australia, in which it was argued that conscription was incompatible with Christianity:

The new religion which is invading the Christian Churches is the religion of the State.

In this new religion patriotism is the virtue which takes the place of Christian Brotherhood: the State replaces God, and the National flag replaces the Cross. Its supreme law is not the law of God, but the military safety of the country.¹²⁵

McDougall made his views known publicly by advertisements in the *Daily Standard* in the days leading up to the second Referendum. A Baptist minister, Dr. Hughes from Rockhampton, also opposed conscription.¹²⁶

¹²¹ *Courier*, 4 August 1916. The reporter's reference to 'J. Rivett' should probably be to 'A. Rivett'. See Michael McKernan, *Australian Churches at War*, Studies in the Christian Movement No. 6, (Sydney, 1980), p. 153.

¹²² *Courier*, 29 September 1916; *Daily Standard*, 29 September 1916; *Worker*, 5 October 1916; *Courier*, 18 October 1916.

¹²³ *Worker*, 5 October 1916.

¹²⁴ *Catholic Advocate*, 13 December 1917.

¹²⁵ C. Grimshaw in G. Greenwood and C. Grimshaw (eds.), *Documents on Australian International Affairs, 1901-1918* (Melbourne, 1977), pp. 636-638.

¹²⁶ *Daily Standard*, 13 December 1917.

The most prominent pacifist amongst the clergy in Queensland was James Gibson, who for much of the war was Editor of the *Presbyterian Messenger*. He was highly respected, had been Moderator of the Queensland Assembly in 1902, and after the war was elected as Moderator-General of the General Assembly of the Presbyterian Church of Australia. He argued the case for pacifism in the *Messenger*,¹²⁷ strangely, as McKernan points out, without great controversy — explained perhaps by his high standing in the church.¹²⁸ As indicated earlier, his attempts to have the Assembly reject a loyalty motion in the 1915 Assembly were unsuccessful (see above, page 189).¹²⁹ Gibson was absent when James Cosh presented a long pro-war motion to the 1917 Assembly (see above, p.). The motion attacked those who were ‘disloyal’. A fierce debate ensued when another pacifist minister, S. Martin, moved that it be referred to a committee for revision. After a sharp exchange between Martin and E. N. Merrington, a chaplain recently returned from the front, Martin’s motion for referral was carried.¹³⁰ The eventual motion passed by the Assembly was considerably milder than the original. It even contained a hint of anti-war sentiment in referring to the evil of ‘Aggressive Militarism and national ambitions that reckon not of justice’.¹³¹

On 30 August 1916 the federal government announced that a Referendum on conscription would be held on 28 October. The Queensland Recruiting Committee on 28 September applauded the Federal Government’s decision and called on all local recruitment committees to campaign for conscription.¹³² In October the *Chronicle* commented,

The proposed referendum on the subject of compulsory service in the War has brought Australia face to face with the greatest crisis of her history. ... In truth the referendum issue is a moral rather than a military one. The real stake is the soul of Australia. ... It carries with it the whole moral future of our country.¹³³

- 127 *Messenger of the Presbyterian Church of Queensland*, December 1915, January, March, May 1916.
- 128 Michael McKernan, *Australian Churches at War*, Studies in the Christian Movement No. 6, (Sydney, 1980), pp. 149-150.
- 129 *Minutes of Proceedings of the General Assembly of the Presbyterian Church, State of Queensland* (Brisbane, 1915), pp. 18, 19, and 29.
- 130 *Australian Christian World*, 1 June 1917.
- 131 *Minutes of Proceedings of the General Assembly of the Presbyterian Church, State of Queensland* (Brisbane, 1917), pp. 28, 31-32. As well as being the minister of one of the city churches, Cosh was a part-time lecturer in the Theological Hall. He promptly resigned the latter position, taking the defeat in the Assembly as a sign of a lack of confidence in his teaching. See Michael McKernan, *Australian Churches at War*, Studies in the Christian Movement No. 6, (Sydney, 1980), p. 151.
- 132 The resolutions were seconded by Donaldson. *Courier*, 29 September 1916. The recruiting sergeants were debarred by the Federal government from speaking for or against the Referendum.
- 133 *Church Chronicle*, 2 October 1916, p. 187.

For Donaldson the issue was whether the state had the moral right 'to compel its citizens to work or fight for its cause'. He believed it had, though it still had to be referred to the people.¹³⁴

The General Synod, meeting in Sydney on 10 October, urged a 'Yes' vote in the forthcoming conscription referendum:

the liberty both of Australia and the world is at stake, and without liberty all spiritual progress is imperilled. The Synod believes that at the present crisis every man is bound in honour to place his services at the disposal of his country ... [and] appeals to all members of the Church to support the Government at the Referendum on October 28th.¹³⁵

In moving the motion the previous bishop of Carpentaria, Gilbert White, declared, 'It is immoral to enjoy the benefits of the State and refuse to sacrifice oneself for the State'. Moral questions as well as religious issues were involved.¹³⁶

Most Protestant churches supported the Referendum. The Baptist and Congregational Assemblies passed resolutions of support.¹³⁷ The Committee of Privileges of the Methodist Conference in Queensland strongly commended conscription 'to the favourable consideration and endorsement of our people', and a few days later the President of the Conference had a Manifesto read from all Methodist pulpits urging a 'Yes' vote.¹³⁸ The Rev. Dr. G. E. Rowe, minister of the Albert Street Methodist Church, believed the call of the federal government to be the call of God:

God was speaking to the people of Australia, and the answer they would give next Saturday was not simply an answer to the Federal Government, but to the call of God for their service and sacrifice to overcome the enemies of His kingdom of righteousness.¹³⁹

He alleged that the Queensland Premier and his cabinet (except Adamson) were putting 'office and emoluments' ahead of loyalty to God and country. The Methodist chaplain A. C. Plane campaigned vigorously for conscription at rallies in Brisbane and further afield.¹⁴⁰ The minister of the South Brisbane Congregational Church was more circumspect, simply writing a letter to the members expressing his 'humble judgment' they should vote 'Yes', but each must decide according to conscience.¹⁴¹

¹³⁴ *Church Chronicle*, 2 October 1916, p. 190.

¹³⁵ The Primate, J. C. Wright, gave strong support to the motion. It was passed unanimously. *Church Chronicle*, 1 November 1916, pp. 214-215. Michael McKernan, *Australian Churches at War*, Studies in the Christian Movement No. 6, (Sydney, 1980), p. 116.

¹³⁶ Gilbert White was previously the Bishop of Carpentaria. *Courier*, 23 October 1916.

¹³⁷ *Courier*, 15 and 22 September 1916. The Baptist resolution did not refer to conscription as such, but vowed to 'uphold and maintain [the war effort] by all means in their power ...'.

¹³⁸ *Courier*, 16 September 1916; *Daily Mail*, 25 September 1916.

¹³⁹ *Courier*, 23 October 1916.

¹⁴⁰ *Courier*, 23 September 1916.

¹⁴¹ *Courier*, 23 October 1916.

While the Queensland Presbyterian Assembly that had met the previous May had made no reference to conscription, the General Assembly of Australia was meeting in Sydney during the Referendum campaign. An attempt to have the Assembly stand aloof from the conscription issue was defeated, and a few days later the Assembly passed a resolution declaring 'there is a moral necessity for the Government to obtain the authority it seeks'. Ex-chaplain Merrington (Queensland) told the Assembly, because ethical considerations were involved, '[the] Church should pronounce judgment'.¹⁴² The Moderator-General sent a telegram of support to Hughes who was in Brisbane to address a rally organised by the Universal Service League and the National Referendum Council:

The Presbyterian General Assembly of Australia, representative of all the States of the Commonwealth, has, by 92 votes to 3, approved of an affirmative answer to the referendum by its people.

Applause greeted the mayor when he read the telegram to the rally.¹⁴³ The strongly Protestant Brisbane Church Federation held a special meeting to declare its support.¹⁴⁴

As indicated earlier, Catholic support for the war was initially very strong. The editor of the *Advocate* pointed with pride to the support being given to Britain by the people of Ireland.¹⁴⁵ While Dunne was too old for much activity, his coadjutor Duhig campaigned vigorously for recruits. He spoke at numerous gatherings and on platforms with political and civic figures. He was an active member of the University War Committee, which served as a recruiting body.¹⁴⁶

The Easter rebellion, however, and the conscription campaign in 1916, together severely affected that Catholic support demonstrated through 1915. Strong passions were aroused. The rebellion had been generally condemned by the Protestant community. Typical was the comment of the *Chronicle*,

The short-lived and ill-starred rebellion in Ireland has been one of the saddest incidents in the War. It is difficult to understand the wild delusions which could persuade extreme nationalists to believe that their interests lay in siding with Germany, the ruthless oppressor of small nations, ... Still more difficult to understand is the plea since raised for exceptional clemency to be shown to the rebel leaders.¹⁴⁷

Catholic leaders were just as severe in their initial condemnation. Duhig described it as

142 *Courier*, 28 September and 3 October 1916.

143 *Courier*, 4 and 5 October 1916.

144 *Courier*, 20 October 1916.

145 *Catholic Advocate*, 7 October 1915.

146 T. P. Boland, *James Duhig* (St. Lucia, 1986), p. 130; *Catholic Advocate*, 22 July 1915.

147 *Church Chronicle*, 1 June 1916, p. 103.

a 'German-laid scheme'.¹⁴⁸ Bishop Shiel in Rockhampton called it 'a mad and criminal scheme'.¹⁴⁹ Archbishops Kelly in Sydney, Carr and Mannix in Melbourne, and Clune in Perth all condemned it.¹⁵⁰ The *Brisbane Age* described it as a fiasco.¹⁵¹

Catholic opinion changed, however, when the executions that followed were not restricted to the leaders of the rebellion but included other republicans.

Their dormant distrust of Britain awoke. ... Catholic men and women who, in 1915, would have given the last man and the last shilling became, almost in an instant, eager and resolute opponents of Conscription.¹⁵²

On 20 May the *Brisbane Age* spoke of the 'draconian severity' of the British government.¹⁵³ Out of an estimated total of fifteen thousand participants in the rebellion, around three thousand had been taken prisoner by the military, and a number summarily shot or sentenced to long terms of imprisonment.

Duhig was obviously incensed by these later events when he addressed the Hibernian Society at Ipswich on 14 May:

they were all shocked by the news of the uprising in Dublin, ... we were dazed by the news of the executions that followed. ... One would have thought that the overwhelming loyalty of the great masses of the Irish people would have overshadowed this passing rebellion, ...

[the executions had] created a set of martyrs who were sure to find many to cherish their memory and recall their names long after the statesmen of our day were gone and forgotten.

He could express nothing but unqualified condemnation of the wholesale executions, which he felt sure would still be universally regretted.¹⁵⁴ In the address and again in a telegram, he compared them to the massacres under Cromwell in the seventeenth century, and foresaw that it would hinder recruiting amongst Irish Australians.¹⁵⁵

Bishop Shiel expressed similar views to an Hibernian breakfast in Rockhampton.¹⁵⁶ Archbishop Kelly of Sydney pointed out that the blame did not rest solely upon the

¹⁴⁸ *Catholic Advocate*, 4 May 1916; *Brisbane Age*, 6 May 1916.

¹⁴⁹ *Catholic Advocate*, 25 April 1916.

¹⁵⁰ *Brisbane Age*, 6 May 1916. The Bishop of Sale (Phelan) saw it as a blessing in disguise: 'Genuine Irishmen in all parts of the world must rejoice at the dismal failure of the attempt to rob their native land of the nationhood she has won after centuries of struggle'. Phelan saw the whole episode as a German plot, now unmasked, to possess Ireland as the 'key of the Atlantic'. *Catholic Advocate*, 11 May 1916.

¹⁵¹ *Brisbane Age*, 6 May 1916.

¹⁵² Blackburn, *The Conscription Referendum of 1916* (Melbourne, Anti-Conscription Celebration League, n.d. [in 1930s]), p. 13.

¹⁵³ *Brisbane Age*, 20 May 1916.

¹⁵⁴ *Courier*, 15 May 1916.

¹⁵⁵ Duhig to O'Donnell, published in *Catholic Advocate*, 18 May 1916.

¹⁵⁶ *Courier*, 15 May 1916.

republicans in Ireland:

There are three parties concerned, the English Government, the Ulsterites and the Sinn Feiners. The Ulsterites were the first offenders, and until they are punished the Sinn Feiners have the precedent that they are only following the footsteps of Ulster.¹⁵⁷

Protestant reactions to Duhig's and Shiel's statements, as evidenced in letters to the *Courier*, were very negative.¹⁵⁸

In spite of his anger, in the same address to the Ipswich Hibernians on 14 May 1916 Duhig still supported vigorous recruitment: 'The Empire is in danger, ... Every man was needed, ... he yielded to no one in his allegiance to his King and country or his enthusiasm for the Australian soldiers'.¹⁵⁹

Relationships between Catholics and Protestants became inflamed and remained so throughout the war. The *Advocate* in particular was constant in its attacks on Protestants and protestantism. In 1917 it even blamed it for the war:

Lutheranism in Germany has been the cause of the present conflict; for the Lutherans, particularly in North Germany, deified the Kaiser, preached a national cult to him and the war-lords of Germany, and by so doing, turned their backs on international Christianity and the Gospel of Love.¹⁶⁰

The situation in 1916 was made worse when two Catholic Ministers of the Labour government in Queensland, John Fihelly and William Lennon, made bitter attacks on England. Because Fihelly was a minister without portfolio and acting Minister for Justice at the time, his remarks in a speech to the Irish Association on 2 September brought a storm of criticism.¹⁶¹ 'Fihellyism' became a term of abuse in Queensland, standing for 'an amalgam of anti-conscription, Sinn Fein, "International Workers of the World" (IWW), Labor and pro-Germanism'.¹⁶² The Opposition censured the government, alleging disloyal utterances by the two ministers. The government had failed, it was claimed, 'to adequately assist ... the Empire in its need of reinforcement for the troops in the field'.¹⁶³

The censure motion was lost on party lines, but because the government did not dissociate itself from Fihelly's remarks, it was open to attacks on the ground of

¹⁵⁷ *Courier*, 4 May 1916.

¹⁵⁸ See letters from 'Rationalist' and 'Loyalist' in *Courier*, 18 May 1916.

¹⁵⁹ *Catholic Advocate*, 18 May 1916.

¹⁶⁰ *Catholic Advocate*, 18 October; 1 November 1917.

¹⁶¹ John Arthur Fihelly was born in Ireland in 1882, and won the seat of Paddington for the Labour Party in 1912. His speech to the Irish Association was published in full in the *Catholic Advocate* of 7 September 1916. William Lennon was Minister for Agriculture.

¹⁶² T. P. Boland, *James Duhig* (St. Lucia, 1986), p. 137.

¹⁶³ *Queensland Parliamentary Debates*, vol. CXXIII, p. 721.

disloyalty. The incident caused a minor constitutional crisis when the Governor refused to sit with the Executive Council while Fihelly maintained his position.¹⁶⁴ What began as a dispute in the press and the parliament rapidly became entangled in the Protestant-Catholic feud. It added fuel to the bitter debate on conscription.

There was no official link between the two Catholic papers in Brisbane and the archdiocese, but it was generally assumed that they reflected official viewpoints. The *Brisbane Age* declared Fihelly to be 'The Man of the Hour'. For the Irish National Association, accusations of disloyalty to England became compliments. Hibernians rushed to his defence.¹⁶⁵ The *Courier* reported that the mere mention of his name at a large meeting of the Hibernians in Toowoomba was the signal for a remarkable outburst of applause. It called on Duhig to dissociate himself from the disloyalty expressed by Fihelly and Lennon, and the support given him by the Catholic papers.¹⁶⁶

Protestants were incensed by Fihelly's comment. A few days before the Referendum the Brisbane Church Federation, wrote to the *Courier* announcing 'its emphatic disapproval of the recent offensive and disloyal utterances of the Acting Minister of Justice'.¹⁶⁷ In an obvious reference to Fihelly, the Editor of the *Chronicle* wrote,

A man who speaks ... disloyally of King George ... or disrespectfully of the Union Jack ... very often does so ... from sheer ignorance. ... right minded persons are not deterred from placing such a man outside the pale of their society until he takes steps to dissipate this ignorance. He ought to be expelled, and if he persists in treasonable habits with hand or voice or pen, in this the peril of the nation, *he ought to be impounded*.¹⁶⁸

W. Smith, a Methodist minister, wrote to the *Courier* attacking Catholic priests for doing little to recruit, even discouraging men from enlisting.¹⁶⁹ The allegation apparently had some basis beyond Protestant prejudice — a Catholic lay woman, Margaret Gillespie, wrote to the *Courier* attacking Fihelly:

We hear the brave deeds of our gallant Irish at the Front extolled by our clergy, too, and proud we are to hear it, and pleased, *but the truth must be regretfully told that very little encouragement or urging has been extended to the boys from the same quarter*.¹⁷⁰

In October 1916 the Connexional Committee of the Methodist Church and the Brisbane

¹⁶⁴ *Courier*, 16 October 1916.

¹⁶⁵ *Brisbane Age*, 16, 23 & 30 September 1916; 7, 14, & 28 October 1916.

¹⁶⁶ *Courier*, 25 September 1916 and 3 October 1916.

¹⁶⁷ *Courier*, 20 October 1916.

¹⁶⁸ *Church Chronicle*, 1 November 1916, p. 207, (emphasis added).

¹⁶⁹ *Courier*, 3 October 1916.

¹⁷⁰ *Courier*, 26 September 1916 (emphasis added). Contrariwise, it was claimed on Anzac Day 1917 that twenty two percent of enlistments in Queensland were from Catholic families — approximating their proportion of the population. *Courier*, 26 April 1917. Australia-wide figures released in 1917 by the Defence Department were lower — eighteen and a half percent. This may reflect the bitter campaigning by Mannix in the southern states.

Church Federation wrote strong letters to Ryan protesting against the government's inaction regarding Fihelly. The Methodists followed up with a similar protest in January 1917.¹⁷¹ At the same time the Premier was bombarded with over one hundred letters of protest from individuals.¹⁷² Several months later the *Chronicle* again attacked both the government and Duhig on the issue. 'The fact that Mr. Fihelly's sentiments have never been officially disavowed by either the heads of his Government or the heads of his Church is full of the gravest significance'.¹⁷³

While the Labour government did not disown Fihelly, it didn't give him full support. His principal opponent in the government was John Adamson, the Secretary for Railways. Adamson had been a Protestant minister, originally serving with the Primitive Methodist Church in Queensland. He became a Presbyterian in 1906, but was never appointed to a parish, as he entered politics shortly afterwards in 1907 as Labor member for Maryborough. When Labor won government in 1915 he was elected to the Cabinet.

While he defended the Government's war record in the debate on the censure motion referred to earlier, he was pro-conscription, becoming a Vice-President of the Universal Service League and speaking at conscription rallies.¹⁷⁴ On conscientious grounds he resigned from the Cabinet and the Labour Party on 2 October 1916, and became something of a hero in Protestant eyes. The Editor of the *Chronicle* praised him: 'He has thereby earned the respect of thousands of his fellow citizens ... He deserves honour even from his opponents'.¹⁷⁵

The Fihelly affair, the Irish rebellion, and the conscription debate placed Duhig in an invidious position. He had gone out of his way to demonstrate his own loyalty to the Crown and support for the war. But Boland sees his defence of Fihelly as muted: 'He would not attack him, but he could not espouse his cause'.¹⁷⁶ He could not alienate too many of his flock, many of whom were by now openly hostile to conscription.

The result was that Duhig's statements on the issue were equivocal. Byrne says that Dunne, still his superior, had forbidden him to speak publicly on it.¹⁷⁷ More probably,

¹⁷¹ Methodist Church to Ryan, 18 October 1916; Brisbane Church Federation to Ryan, 20 October 1916; Methodist Church to Ryan, 16 January 1917. QSA, PRE/A 14579, 14688, (1916), 0664 (1917)(In PRE/A 0664 1917).

¹⁷² QSA, PRE/A 0664 (1917).

¹⁷³ *Church Chronicle*, 1 February 1917.

¹⁷⁴ *Courier*, 26 September 1916; 12, 13, 18 October 1916; *Worker*, 12 October 1916.

¹⁷⁵ *Church Chronicle*, 1 November 1916, p. 207.

¹⁷⁶ T. P. Boland, *James Duhig* (St. Lucia, 1986), p. 137.

¹⁷⁷ Neil J. Byrne, *Robert Dunne: 1830-1917: Archbishop of Brisbane* (St. Lucia, 1991), p. 233.

the ban came from Archbishop Cerretti, the Apostolic Delegate in Australia. Duhig had written to Cerretti, seeking confirmation of his opinion that Catholics who had enlisted had done so 'as citizens, not as members of the Catholic Church'. Catholics should be allowed similarly to decide the question of conscription *as citizens*, 'without the interference of any religious body; and we decidedly have not the right, as a Church, to intervene in the matter'. Cerretti wrote back agreeing with Duhig:

The members of the Catholic Church are free citizens, and as such should record their votes in accordance with the dictates of conscience. It would be altogether unreasonable to involve the Church, as a Church, in an issue which its members as citizens, in common with others, are called on to decide. The same remark applies to our Catholic newspapers. Their editors are quite free to express their personal opinions on all topics except matters of ... faith and ecclesiastical discipline, and subjects intimately connected therewith, but such views are not to be regarded in any case as pronouncements of the Church. It is likewise because the question of conscription does not affect the Church as a Church that I am sure that addresses on the subject will not be delivered from the pulpits of our Catholic churches.¹⁷⁸

The fine distinction Cerretti and Duhig drew between what the Catholic church as a corporate body might teach and what an individual Catholic lay person, priest, or bishop might proclaim was difficult for the general community to accept. It was especially so when members of the hierarchy made their personal views known publicly.

When Archbishop Mannix campaigned vigorously against conscription, was it reasonable to claim that he was simply exercising the right of all citizens to speak? It was inevitable that his views were reported and heard as the official church viewpoint. The issue surfaced in Brisbane when Father Lane, speaking at Mass in Ipswich on 15 October, objected to the sectarian issue being introduced into the debate on the Irish question and conscription. The *Courier* reported that he had stated, 'Catholics had as much right to take sides for or against conscription as they had to take sides for the Liberal or Labour parties'. He replied that 'Catholics observed a strict neutrality with regard to this question ...'.¹⁷⁹ Lane denied that the statements attributed to him had been made from the altar or pulpit.¹⁸⁰

The following Wednesday the paper took him to task in an editorial:

Does Father Lane suggest that Roman Catholics preserve an open mind on the question, or are expected to hold aloof, as if their interests are not those of their fellow citizens? ... they are masking under vague terminology a real hostility to the British cause.

¹⁷⁸ *Courier*, 5 October 1916; also portion in Cerretti to Duhig, 2 October 1916, in P. O'Farrell (ed.), *Documents in Australian Catholic History, vol II: 1884-1968* (London, 1969), pp. 271-272; also *Catholic Advocate*, 14 October 1916.

¹⁷⁹ *Courier*, 16 October 1916.

¹⁸⁰ *Brisbane Age*, 21 October 1916.

In reply, Lane claimed he had been misquoted:

What I did say was that the Catholic Church (not "Catholics" as reported by you) was neutral regarding the question of conscription, and therefore, gave the fullest freedom to Catholics, as citizens, to decide the question according to the dictates of conscience.

In rebuttal, the *Courier* pointed to the many statements by individuals and various bodies:

Whenever a Roman Catholic organisation has spoken it has been on the side of anti-conscription. When speeches or resolutions on the subject are reported in the Church's Press organs, they are speeches or resolutions against conscription ...¹⁸¹

The public perception was that the Catholic church was against the Referendum. The argument that conscription was a non-moral issue was not accepted.¹⁸²

Soon after the Referendum had been announced, Duhig told the Catholic Club he thought conscription in Australia would not be acceptable unless it was one of universal service, with every man and woman compelled to contribute something to the war effort, involving the rich equally with the poor. The poor generally had larger families, and if conscription was limited to able-bodied men, then the poor would be contributing more to the sinews of war than the rich.¹⁸³ That can be interpreted as a guarded 'Yes' to conscription, but only under conditions impossible to fulfil. Addressing a Hibernian breakfast at Toowoomba he decried any need for conscription: 'It is no good for anyone to become calamity howlers over the present position. *Australia, I claim, is doing her part nobly*'.¹⁸⁴ The *Courier* alleged that he had contradicted his previous speeches on recruitment.¹⁸⁵

True to the Apostolic Delegate's direction, which had got him off the hook, Duhig never publicly advocated either a 'Yes' or a 'No' vote on 28 October 1916. His stance left him wide open to attack from both sides. The Catholic anti-conscriptionists wanted him to support the 'No' campaign, as did Mannix in the south, while the press and Protestant church leaders charged him with disloyalty. Because of his Toowoomba speech, the *Courier* tried to link him with Mannix:

It is to be regretted that Archbishop Duhig has taken up this attitude ... Archbishop Mannix of Melbourne made a speech in much the same strain ... Both gentlemen, speaking with all the authority attaching to high ecclesiastical rank, place themselves in direct opposition to the

181 *Courier*, 18 and 19 October 1916.

182 The argument put forward by Duhig and Cerretti was described by Boland seventy years later as 'difficult for us to comprehend'. T. P. Boland, *James Duhig* (St. Lucia, 1986), p. 136.

183 *Courier*, 5 September 1916; *Brisbane Age*, 9 September 1916.

184 The breakfast was on 24 September. *Brisbane Age*, 30 September 1916. (emphasis added)

185 *Courier*, 26 September 1916.

definite declarations of the Government on matters not of opinion but of ascertained fact.¹⁸⁶

A. C. Plane, an outspoken and controversial Methodist chaplain, preached sermons at Toowoomba and Kangaroo Point attacking Duhig for not disowning Fihelly and not supporting the war.¹⁸⁷ W. Smith, Methodist minister at Wynnum complained that he had read and re-read Duhig's addresses. He had searched in vain for 'one word of disapproval against the disloyal utterances of these Ministers of the Crown and members of his Church'.¹⁸⁸

An issue that surfaced during the conscription debates was the question of where Irish Australians' loyalty lay — were they loyal to the Crown and the Empire, or were they loyal to Australia alone — or to Ireland? The question had arisen before the war. In 1911 Cardinal Moran had advocated that Australia Day should be celebrated on 24 May each year as a counter demonstration to Empire Day.¹⁸⁹ On this point a clear difference appeared between Duhig and Mannix. Even after the Easter rebellion, Duhig asserted his loyalty to the King: 'The Empire is in danger, ... he yielded to no one in his allegiance to his King and country or his enthusiasm for the Australian soldiers'.¹⁹⁰ Mannix on the contrary was quite unabashed in asserting that his loyalty was to Australia first:

Many Australians are prepared, apparently, to place Australia below the Empire in their affections. These Imperialists, in the abundance of their alleged loyalty to the Empire, are ready to sacrifice Australia politically and economically. They are not ashamed to put the Empire first and Australia second. ... Australia is first, and the Empire, with its coloured people and its Allies, have to fall into second place.¹⁹¹

The *Advocate* regularly took the Mannix line. A leading Catholic layman, Colonel A. J. Thynne, M.L.C., argued differently:

Australia claims and has my complete allegiance, but the history of the past and the survey of the present confirms ... that every Australian citizen can best serve Australia by recognising and acting on the fact that Australia is bound up by both her duty and interest indissolubly with the Mother Country as a whole and that no man can be a real true Australian unless he is also prepared by word and deed to support the Empire of which we form part.¹⁹²

The question was whether an Australian's loyalty should be to Australia first and the

¹⁸⁶ *Courier*, 23 and 26 September 1916.

¹⁸⁷ *Brisbane Age*, 30 September 1916; *Daily Mail*, 25 September 1916.

¹⁸⁸ *Courier*, 26 September 1916.

¹⁸⁹ C. Grimshaw in G. Greenwood and C. Grimshaw (eds.), *Documents on Australian International Affairs, 1901-1918* (Melbourne, 1977), p. cvi.

¹⁹⁰ *Catholic Advocate*, 18 May 1916.

¹⁹¹ *Catholic Advocate*, 13 December 1917.

¹⁹² Thynne pointed out that the Australia to which many Irish had happily migrated and found freedom had been established as part of the Empire, and if the Empire went down, Australia would suffer under 'despotic tyranny'. *Catholic Advocate*, 15 November 1917.

Empire second; or to Australia as part of the Empire; or to the Empire first and Australia second. The problem had developed over many decades. From the time when Wentworth and others pressed for self-government and independence from Britain it was inevitable the question would arise. The strong Irish presence in Australia meant it could never be a clone of Britain. This point had been made in 1886 by J. Kenny.¹⁹³ The war and the Easter rebellion made it a critical issue for Australians of Irish descent.

Not all Catholics supported Fihelly, and a substantial number supported conscription. Charles Morris, the father of two sons serving in the Army in France, one wounded in action, wrote a bitter letter to the *Courier* attacking Fihelly's speech as 'untrue, extremely disloyal, and a distinct aspersion on my sons and all other Catholics who have been manly enough to take the stand which they have'.¹⁹⁴ Margaret Gillespie, an Irish Catholic mother of a son serving in France, wrote a similar letter, declaring, 'We Irish are loyal and true if left to ourselves in Australia ...'.¹⁹⁵ T. C. Beirne sued a Protestant paper, the *Sentinel*, for saying that he had voted against the Referendum.¹⁹⁶ In Bundaberg a resolution supporting conscription was moved by Father Mimmagh, supported by two Protestant clergy.¹⁹⁷ The Catholic hierarchy itself was divided, with the archbishops of Sydney, Adelaide, and Perth supporting conscription,¹⁹⁸ Melbourne vehemently against and Brisbane probably against — though Duhig never declared himself. On polling day the *Age* urged its readers to vote 'No'.¹⁹⁹ Following the Referendum's defeat, Duhig estimated that one third of the Catholic population had voted 'Yes'.²⁰⁰

Two days before the Referendum, the Editor of the *Courier* declared,

there can be no neutrality in a British community if the citizens believe they are fighting a just war. ... Pressure is being brought to bear on Roman Catholics to play an unlawful part to the Empire, and there will be no difficulty in discovering who are raising the sectarian issue, and who are conniving at an aggressive disloyalty and anti-British movement'.²⁰¹

In the course of these disputes, another sectarian issue arose. Protestants claimed the Labour government was in league with the Catholic hierarchy to place Catholics in

193 J. A. Kenny, *A History of the Commencement and Progress of Catholicity in Australia* (Sydney, F. Cunninghame, 1886).

194 *Courier*, 23 September 1916.

195 *Courier*, 26 September 1916.

196 *Brisbane Age*, 16 June 1917.

197 *Courier*, 3 October 1916.

198 C. Grimshaw in G. Greenwood and C. Grimshaw (eds.), *Documents on Australian International Affairs, 1901-1918* (Melbourne, 1977), p. cv.

199 *Brisbane Age*, 28 October 1916.

200 *Brisbane Age*, 13 January 1917.

201 *Courier*, 18 October 1916.

positions of influence in the Public Service at the expense of Protestants, and that Duhig exercised undue influence over the government. Plane alleged that 'Queensland at the present time was being run by two parties, the Roman Catholic and the liquor party'.²⁰²

The Anglicans entered into the dispute with a sermon by Le Fanu. He said,

Just now in Queensland the question of honesty in politics and in all the growing area [sic] covered by State control is causing the deepest anxiety to upright men. No one will deny that rightly or wrongly there is the most widespread belief that the welfare of the State is not the first concern in politics or in political appointments. ... No one will deny that up and down Queensland there is a strong conviction that sometimes on political and sometimes on racial or religious grounds this elementary principle of justice is ignored. ...²⁰³

The editor of the *Chronicle* commented:

[the] suspicion had deepened into a conviction in the minds of the majority of Queenslanders. ... The public suspicion is that a section of the community is allowing its sectional loyalty to over-ride its loyalty to the country as a whole, and is seeking to capture the country in its own sectional interest. ... We believe that the public of Queensland wants to be assured that neither this nor any other section will seek to secure, in its own interests, a disproportionate and controlling share in the public life of the State.²⁰⁴

Donaldson made a similar allegation at the Provincial Synod. He declared the Anglican church had no quarrel with the Labour movement or the Catholic church as a 'great spiritual institution'. While they were not the only offenders, Catholics were the chief offenders in the matter of 'Sectionalism', and were the only body which 'permanently moves in the political arena as a religious combination', which could easily become a menace to national unity.²⁰⁵

Duhig vehemently denied the allegations, and called on Donaldson to provide specific proof. Duhig reminded his readers of an incident the previous July, when he missed out on election to the University Senate. The *Advocate* claimed that was due to unfair tactics employed 'in the interest of a certain clique'. However, when the government subsequently made its appointments to the Senate, there was a heavy Catholic representation, including Duhig and Ryan, which restored the balance — to such an extent that the *Advocate* was highly satisfied: 'we Catholics have reason to congratulate ourselves ...'²⁰⁶

²⁰² *Daily Mail*, 25 September 1916.

²⁰³ Le Fanu continued, '... it is an open secret that when Mr. Adamson retired from the Cabinet the fact that Mr. Coyne was the obvious man from the Labour point of view to fill the place did not prevent a block vote of Roman Catholics in the party for a Roman Catholic candidate; and we are driven to the conclusion that it was his religion rather than his qualifications which led to the vote'. *Church Chronicle*, 1 February 1917, p. 30.

²⁰⁴ *Church Chronicle*, 1 February 1917, p. 30.

²⁰⁵ *Church Chronicle*, 1 March 1917, p. 43; *Courier*, 3 February 1917.

²⁰⁶ Whether the sectarianism of which the *Advocate* complained began with the 'clique' of

As Duhig's challenge to Donaldson went unanswered, he raised the issue again a few weeks later. Donaldson responded the next day by referring to a speech by Mannix that had been published in the *Daily Mail* on 17 February 1917:

In conclusion Dr. Mannix urged Catholics to combine forces through all the States in order to get justice in educational and other matters. Let them support the party and the politicians who supported them. To do that they must put their religion before all else. ... The Catholic vote, they knew, was a strong vote, of which people were afraid, of which they had good reasons to be afraid, and of which, he hoped, they would be much more afraid as time went on. Only by exercising it properly could they come nearer to having real freedom in Australia.²⁰⁷

Donaldson argued that it showed the Catholic church moved as a body in the political arena. He referred again to the Fihelly incident. That Duhig had not dissociated himself from Fihelly's viewpoint was proof of Catholics combining against the interests of the community at large. Duhig again denied the allegations.²⁰⁸

The Methodist Conference passed a resolution condemning 'disloyal utterances by those in high position' and calling on Methodists 'to unite with their fellow Protestants to stand for that justice and liberty for which our fathers fought and died'.²⁰⁹

As the 1916 Referendum was defeated, renewed efforts at recruiting were needed. Garland called on the members of the Soldiers' Church of England Help Society, a charitable organisation consisting mainly of Anglican women, to persuade every eligible male to volunteer.²¹⁰ But in spite of such desperate measures, what McKernan describes as 'the disastrous recruiting situation' led to the second Referendum on conscription in December 1917.²¹¹

The campaign was shorter than in 1916, but no less bitter, with sectarian positions pressed even harder. The protagonists on each side were largely the same, with the same arguments advanced. While further removed in time from the Irish rebellion and the bitterness it engendered, sectarianism had become even more vociferous, with charge and counter-charge (see above, page 204). One noticeable feature of the 1917 anti-conscription campaign was the dependence of the Catholic press in Brisbane on material from Melbourne. The *Advocate*, and to a lesser extent the *Age*, carried detailed

Protestants pushing a Protestant ticket, or whether the Protestant bias of that ticket was in anticipation that the government appointments would more than likely favour the Catholics, given the composition of the government, is an open question. *Courier*, 5 February 1917; *Catholic Advocate*, 20 July 1916. Also Malcolm I. Thomis, *A Place of Light and Learning: The University of Queensland's First Seventy-Five Years* (St. Lucia, 1985), pp. 100-101.

207 *Daily Mail*, 17 February 1917; *Church Chronicle*, 1 March 1917, p. 43.

208 *Courier*, 5, 26 and 27 February; 3 March 1917.

209 *Courier*, 24 March 1917.

210 *Church Chronicle*, 1 January 1917, p. 8.

211 Michael McKernan, *Australian Churches at War*, Studies in the Christian Movement No. 6, (Sydney, 1980), p. 109.

reports each week of the bitter campaign being waged by Mannix. McKernan explains this as due to a change in policy by the Catholic leaders in the south, abandoning the Cerretti line adopted in 1916. In the 1917 campaign they were openly anti-conscriptionist due to pressure from the Catholic laity.²¹²

By comparison, Archbishop Duhig made few statements, again adopting a position of official neutrality. He did protest officially against the possibility that Catholic lay Brothers in the religious orders could be conscripted.²¹³ The Catholic editors countered Duhig's silence by detailed reporting of Mannix's campaign.

The Anglican church again supported the 'Yes' campaign. On voting day, the editor of the *Chronicle* wrote,

It is the morning of the 20th and we must go to press today. We cannot help confessing that we are helpless with expectation. ... we know the Church of England people and ... are able to believe that 95 per cent of Church of England voters in Australia are going today to vote "Yes."²¹⁴

For the second time the vote went against conscription, this time with an increased majority. In 1916 the majority was 51.61% against. That majority increased to 53.79% in 1917. The *Advocate* attributed the increased majority to dissatisfaction amongst returning servicemen,²¹⁵ but the figures do not support that conclusion. If the votes of the servicemen are excluded, the majority against conscription increases to 54.41%, indicating was that the majority in the forces did favour conscription.²¹⁶ The country was still divided on the issue. It is certain that the *Chronicle's* confident prediction of a 95 percent 'Yes' vote by Anglicans was not realised. The government had to continue with voluntary enlistment, and in mid-1918 circularised the churches asking that clergy assist recruiting.²¹⁷

Chaplains

Chaplaincy was an important point of contact between the churches and the Australian government during the war. A limited number of chaplains had been appointed to the contingents that went to fight the Boers in South Africa, but that was an ad hoc arrangement, dependent on the whim of church leaders like Bishop Webber.

²¹² Michael McKernan, *Australian Churches at War*, Studies in the Christian Movement No. 6, (Sydney, 1980), pp. 123-125.

²¹³ *Catholic Advocate*, 22 and 29 November, 13 and 20 December 1917.

²¹⁴ *Church Chronicle*, 1 January 1918.

²¹⁵ *Catholic Advocate*, 27 December 1917.

²¹⁶ Figures from C. Grimshaw in G. Greenwood and C. Grimshaw (eds.), *Documents on Australian International Affairs, 1901-1918* (Melbourne, 1977), pp. 660-661.

²¹⁷ *Church Chronicle*, 1 August 1918.

Chaplaincy in World War I was systematically organised. In 1913, before war had broken out, the government had arranged with the four major denominations²¹⁸ to appoint Chaplains-General. They would be responsible for arrangements between the churches and the army. When war came in 1914, the government decided to appoint chaplains in proportion to each major denomination's numbers in the total population, using the census figures of 1911. A further division was added later to cover the smaller Protestant denominations.

Chaplains entered the army with commissions from the Governor-General — the same as all other officers. As officers they had authority over junior ranks. They also had to obey orders from senior ranks. As clergy they had a divided allegiance, to both the church and the army.²¹⁹ In that regard the situation was similar to what had pertained during the first thirty years of the settlement in New South Wales.

A total of 414 chaplains served with the army during the war — 175 Anglicans, 86 Catholics, 70 Presbyterians, 54 Methodists, and 27 'other Protestant denominations'.²²⁰ No break-down of these figures on a state by state basis is available. The figures do not reveal how many chaplains were serving at any given time. Some were appointed only to accompany troops on the sea voyage to Europe, returning on a hospital ship, and then returning to their parish. Others were appointed for a definite term, such as twelve months, and then returned to Australia. A few served for the whole period with the troops in the field.

In spite of the intention to use the 1911 census figures in determining the numbers of chaplains, the figures show a disproportionately high representation of Anglicans, and an under-representation of Catholics. The Anglican figure probably reflects the intense patriotism in the Anglican church towards England and the empire. That led to a higher representation of Anglicans in the ranks as well as amongst the chaplains. The *Chronicle* claimed, 'considerably more than half the soldiers serving in the Australian Army describe themselves as members of the Church of England'.²²¹ Also, pressure on the Defence Department to allow an Anglican chaplain on every troopship would have contributed (see below, pages 215-216).

McKernan attributes the low number of Catholics to the difficulty 'bishops and priests

218 Anglican, Catholic, Methodist and Presbyterian.

219 Michael McKernan, *Australian Churches at War*, Studies in the Christian Movement No. 6, (Sydney, 1980), p. 43.

220 One Jewish chaplain also served. Michael McKernan, *Australian Churches at War*, Studies in the Christian Movement No. 6, (Sydney, 1980), p. 41.

221 *Church Chronicle*, 1 April 1916, p. 63.

... [had] in choosing between parish ministry and work among the soldiers'.²²² Byrne says the bishops were 'unable or unwilling to release priests from their parish duties'.²²³ This may have come from their strong emphasis on the sacramental role of the priests, which was only one of the many duties expected of the chaplains. In his later book, *Padre*, McKernan suggests a further reason — Catholic priests were not accustomed to apply for positions — they were normally appointed by their bishops.²²⁴ Also, the Easter rebellion may have made some bishops and clergy reluctant to become involved. For his part, Archbishop Dunne was concerned to supply chaplains, and was disappointed so few were provided.²²⁵

The Anglicans appointed were fairly equitably drawn from the dioceses according to their size. This caused a shortage of parish priests in some dioceses, but there was no reluctance by the bishops to release men for these appointments. A few clergy enlisted in the armed services as ordinary citizens, but this was frowned upon because of the widespread belief that a priest should not bear arms. In 1915 the bishops of the Queensland Province forbade their priests from enlistment, citing it as a breach of Canon Law.²²⁶ As indicated above (see page 193), Donaldson sought to justify this stand on pragmatic grounds as being in the interests of the nation.

The Presbyterian and Methodist churches responded to the call for chaplains, and appointed a number of ministers. The Presbyterian Assembly in May 1917 resolved to approach the other Protestant churches to establish closer co-operation at the parish level, to free more ministers to serve as chaplains.²²⁷

A brief dispute arose in 1916 when the government rejected a request by the Anglican church to send an Anglican chaplain on every troopship. 'Church of England services for Church of England men' became a slogan in some Anglican circles. Its corollary was 'Church of England Chaplains for Church of England Men'. The *Chronicle* in

²²² Michael McKernan, *Australian Churches at War*, Studies in the Christian Movement No. 6, (Sydney, 1980), p. 41.

²²³ Neil J. Byrne, *Robert Dunne: 1830-1917: Archbishop of Brisbane* (St. Lucia, 1991), p. 233.

²²⁴ Michael McKernan, *Padre: Australian Chaplains in Gallipoli and France* (Sydney, 1986), p. 2.

²²⁵ 'If we do not get a priest to accompany each shipload to wherever they are going, the only alternative could be to discourage Catholics from volunteering, and that would look very churlish'. Dunne to Abp. Carr, 14 October 1914, quoted by Neil J. Byrne, *Robert Dunne: 1830-1917: Archbishop of Brisbane* (St. Lucia, 1991), p. 233.

²²⁶ K. Rayner, *The History of the Church of England in Queensland*, PhD Thesis, University of Queensland, 1962, p. 428.

²²⁷ *Minutes of Proceedings of the General Assembly of the Presbyterian Church, State of Queensland* (Brisbane, 1917), pp. 21 and 35. It is not known whether anything came of the proposal. It would have taken time for such a scheme to be applied at a parish level, probably more time than elapsed before the ending of the conflict. There was no mention of the proposal in the 1918 Assembly.

April 1916 protested 'against a most serious injustice which has been done to the Church of England'. The dispute was settled, and Donaldson was able to tell the Synod in June that the government had agreed that every troopship carrying over a thousand men would carry three chaplains, an Anglican, a Catholic, and a non-episcopal representative. Also, on smaller ships, unsalaried chaplains supported by their churches would be permitted.²²⁸ As mentioned above, Dunne had a similar concern for the provision of Catholic services for Catholic servicemen.

The slogan 'Church of England services for Church of England men' caused friction with the other churches, as Anglicans generally refused to be involved in combined services. McKernan shows that this approach was resented by the troops, and lowered the esteem in which the chaplains were held. The practice, at least so far as church parades were concerned, ended abruptly in January 1918. The commander of the army, General Monash, a Jew, directed that all Protestant services were to be united services, with tight provisions for conscientious objectors. Anglicans in Australia 'regarded it as the most blatant interference by the army in church matters'.²²⁹

The chaplains served the state by helping maintain morale amongst the troops. In addition they fulfilled other duties — arranging entertainment, billeting, writing to the next of kin of casualties, censoring mail, etc. To the extent they ministered to the spiritual needs of the members of the churches they also served those bodies. Whether they gave to the troops a good impression of religion and the churches back home, McKernan illustrates from numerous sources that it varied dramatically according to the qualities of the individual chaplains, especially the degree to which they were prepared to share the hardships and dangers. During the Gallipoli campaign they were mostly very close to the men.²³⁰ In France on the other hand it was easy for a chaplain to spend his time far behind the lines.²³¹

Chaplains' interpretations of the war and of its effects on troops varied from extreme cynicism and pessimism with some, to great optimism about its ultimate value with others. Kenneth Henderson, an Anglican, saw the typical response of soldiers as an outright fatalism, the antithesis of Christianity. Conversely, E. N. Merrington, a Presbyterian, believed that 'the constant presence of death stimulated a living interest in

228 *Church Chronicle*, 1 April 1916, p. 63; May 1 1916; *Proceedings of Synod*, 1916. pp. 23-24.

229 Michael McKernan, *Australian Churches at War*, Studies in the Christian Movement No. 6, (Sydney, 1980), pp. 48-49; 137-140.

230 Michael McKernan, *Padre: Australian Chaplains in Gallipoli and France* (Sydney, 1986), pp. 35-36; 39-133.

231 *ibid.*, pp. 134-36; Michael McKernan, *Australian Churches at War*, Studies in the Christian Movement No. 6, (Sydney, 1980), pp. 128-143.

religion'.²³² Some returned chaplains played a significant role in their respective churches. Canon D. Garland was already an important figure in Queensland Anglicanism before the war, and was prominent in recruitment and the advocacy of conscription. E. N. Merrington had been on service through the Gallipoli campaign, and was a hero amongst the Queensland Presbyterians. He debated vigorously with pacifists in the 1917 Assembly (see above p. 200), and went on to be elected Moderator after the war. A. C. Plane, a Methodist, served in Egypt and at Gallipoli, but was then invalided home, suffering from a nervous breakdown.²³³ After his return, he promoted soldiers' welfare. He was a bitter opponent of Duhig and Fihelly during the conscription debates, and tried unsuccessfully to enter politics.

EXPECTATIONS AND HOPES FOR PEACE

As indicated earlier (see above, pages. 186-292), when the war began, church leaders commonly saw the war, if not a punishment *sent* by God upon a sinful world, then the result of moral failure.²³⁴ Optimism ran high that the war would lead to repentance and a renewal of faith throughout the nation. To a friend recently bereaved by the fighting, Donaldson wrote,

We must rid our mind of the notion that God *sent* the war either for punishment or purging. Man made the war for himself by his pride ... But still why does God *allow* it if He is a God of Love? Perhaps because only through this terrible suffering will men be brought to a better mind.²³⁵

Donaldson's denial that the war had been *sent* by God disproves McKernan's assertion that 'Clergymen *universally agreed* that God had *sent* the war to punish the nations for departing from his laws'.²³⁶ No doubt some clergy saw it that way, but unless there is no such thing as human free will and responsibility, then it is legitimate to draw a distinction between God *allowing* a man-made war to occur and God *sending* a war.

When the expected renewal didn't happen, the early optimism gave way to the realisation that the war was making the churches' role more difficult. A good example of the change can be seen in the resolutions passed by the Presbyterian Assembly during the war. Reference was made earlier to the resolution passed by the Assembly

²³² *ibid.*, pp. 130-132.

²³³ Michael McKernan, *Padre: Australian Chaplains in Gallipoli and France* (Sydney, 1986), p. 36. McKernan describes Plane as a bad choice for a chaplain, being around age fifty when he was appointed.

²³⁴ Donaldson went further than most with his view of the failure of the British Empire to fulfil its divinely given mission in the world.

²³⁵ *Church Chronicle*, 1 June 1918, p. 104.

²³⁶ Michael McKernan, *Australian Churches at War*, Studies in the Christian Movement No. 6, (Sydney, 1980), p. 173 (emphasis added).

in 1915, with its hope that the war would 'purge' the nation of many evils. In 1917 the Assembly passed another resolution, this time with a more sombre tone.

The Assembly meeting in the third year of the War, express their deep sorrow that the end is not yet. ...

They would exhort their faithful people to humble themselves before God for all the sins of the nation, all the materialism and worldliness and class strife which have been so prevalent. They pray that God ... will open the mind of the nation to the needs of a wider social justice, and the better ways of brotherhood, which alone will still the strife of classes.²³⁷

A similar resolution was passed again at the 1918 Assembly.

The final sentence of the 1917 and 1918 resolutions, referring to social justice, indicates the church was giving thought to the causes behind the war, and the church's need to take account of the broader world stage.

When the United States of America entered the war in 1917 and boosted the military power of the Allies, it also brought President Woodrow Wilson, the leader of the most powerful country in the world, on to the world stage. Wilson advocated a world body to safeguard peace in the future. In his address to the American Congress on 8 January 1918, he expounded his historic 'Fourteen Points' that led to the formation of the League of Nations. Consideration of such a body had been going on in America and Britain throughout the war, but Wilson was now in a position to bring the concept to fruition. It was against that background that the churches began to consider the implications of imminent peace.

A few days after Wilson's address, the *Advocate* commented on the second of his fourteen points, which guaranteed 'Absolute freedom of navigation upon the seas ...', and the fifth, which sought:

A free, open-minded, and absolutely impartial adjustment of all colonial claims, based upon a strict observance of the principle that in determining all such questions of sovereignty the interests of the populations concerned must have equal weight with the equitable claims of the government whose title is to be determined.

The editor examined the impact this could have on Australia's position in the south-west Pacific. He forecast Australia and the neighbouring islands would one day form 'an Australian Empire within the great British Empire'. He asserted:

Australia's destiny is to be the trustee and custodian of the Pacific ... Australia has already paid, and paid heavily indeed, in blood and treasure, for any territorial acquisitions in the Pacific which may be her share in the spoils of war.

The editor rejected a suggestion made in Sydney that Australia should use force of arms

²³⁷ *Minutes of Proceedings of the General Assembly of the Presbyterian Church, State of Queensland* (Brisbane, 1917), pp. 31-32.

to bring it about as absurd. It should come by 'legitimate trade exploitation'. Unfortunately, he failed to relate Wilson's fifth point to the Australian Aborigines — reflecting the Catholic church's lack of involvement with those people.

Instead, he seized on Wilson's fourteenth point that referred to 'mutual guarantees of political independence and territorial integrity to great and small states alike' as a base to argue the case for Home Rule in Ireland. With that in mind, the editor pressed the need, if not the right, for the pope to participate in the peace process — 'he is the only great neutral who could possibly be above suspicion'.²³⁸

Comment on Wilson's proposals was slower in coming from the Anglican church. In his address to Synod in June 1918, Donaldson remarked on the fears and suspicions abroad regarding the peace process:

There are two suspicions, it seems, behind the Pacifism manifested in Labour circles. The first is a suspicion of the motives with which our leaders are conducting the war. Rightly or wrongly many believe that the disinterested motives with which we entered the war have deteriorated into designs for the acquisition of territory or the securing of markets, and certainly there has been much talk of late in Australia as to Australia's share in the spoils of the Pacific.

This last reference was a direct criticism of what the *Advocate* had urged in January. Donaldson went on:

Moreover, there are suspicions concerning secret treaties of which the public knows nothing. The other suspicion finds voice in criticisms in Australia ... of President Wilson's great statement of American war aims. "Our object," said the President, "is to keep the world safe for democracy." "But what sort of democracy?" it is asked. ... Let me say at once that with much of this I am in hearty sympathy. None of us want the present misery and bloodshed to go on for a day unless we are fighting for the noblest ends. As to territory ... I for one do not want to see the British Commonwealth come out of the war any richer in territory taken for selfish motives; and I confess I dread the pressure of selfish interests when the peace conference assembles. ... It will be the Church's duty to throw its whole weight into the scale in support of a disinterested policy when the time comes.²³⁹

Donaldson returned to the subject in September 1918 when he addressed the National Council of Women. He paid tribute to the *idea* of a League of Nations, but pointed to the practical difficulties:

the problem of all problems will be that of the League of Nations to enforce peace. The statesmen of the allied nations seem to be agreed that such a League would be the only worthy fruit of the sacrifices made in the war, ... But how can the thing be done? A League to be effective must include Germany as a consenting member ... There you have a problem which demands all the thought which the wisest minds can give it, ... It demands particularly the attention of all who profess and call themselves Christians, for the idea at the root of the

²³⁸ There had been a report that the allies had agreed to exclude the Pope from any peace conferences, *Catholic Advocate*, 17 January 1918.

²³⁹ *Proceedings of Synod*, 1917 and 1918, pp. 244-246.

League of Nations proposal is essentially and characteristically a Christian idea.²⁴⁰

In October he addressed the Provincial Synod of Queensland. He devoted time to an in-depth analysis of moral issues that would arise with the imminent peace:

Two ... great moral issues are before us now. One is the settlement of peace terms and the other is the project of a League of Nations to safeguard the peace when it is attained.

On the first issue, the settlement of peace terms, he quoted with approval from Wilson's address to the United States Congress on 4 December 1917. Wilson had proclaimed:

When the time comes that we can discuss peace ... we shall be willing and glad to pay the full price for peace, and pay it ungrudgingly. We know what that price will be. It will be full, impartial justice, — justice done at every point and to every nation, — that the final settlement must effect, our enemies as well as our friends. ... The voices of humanity 'everywhere insist' that the war shall not end in vindictive action of any kind; that no nation or people shall be robbed or punished because the irresponsible rulers of a single country have themselves done deep and abominable wrong. ... We shall be free to base peace on generosity and justice, to the exclusion of selfish claims to advantage, even on the part of victors.

Donaldson continued,

We hail these principles, ... But it remains for us to take them out of the category of abstract propositions and apply them to our own conditions in Australia. ... [Our] Church must stand for the principle of disinterestedness.

He advocated a Commission set up by the Imperial government, with Australian representation, to resolve issues of sovereignty and dominion in the south-west Pacific.

On the formation of the League of Nations, Donaldson believed it required a revolution in people's thinking — a retreat from the idea of the sovereignty of the nation-state which had held sway for centuries:

We have begun to recover older and better ideas. The nation is not the ultimate unit but a part of the larger life of humanity, ... thus our patriotism must not stop at national self-interest but must include ... the claims of the human family.

He then reviewed the idea of keeping the peace through the balance of power, as had been attempted over the past century. 'That policy is dead, not only because it has proved to be practically impossible, but also because our ideas have travelled beyond it'.

Donaldson defended the proposal against the charge that it was too visionary. He pointed to the number of hard-headed pragmatic leaders of nations who supported it in America and England. 'No one would minimise the difficulty ... But what is the

²⁴⁰ *Church Chronicle*, 1 October 1918, p. 188.

alternative? We are face to face with chaos'. The church had a duty to support the proposal:

The idea of a League of Nations is based upon the Christian idea of Catholicity. ... The League of Nations cannot be brought about without Christianity; ... the wholehearted co-operation of all living Christian communions.

Donaldson claimed that the church had a right to be heard on the issue. 'Neither the peace settlement nor the project of a League of Nations are the exclusive province of statesmen. ... the real direction will rest not with them but with the peoples they serve'. The church must keep the public informed and to give expression to their hopes for a lasting peace.²⁴¹

The Provincial Synod reinforced Donaldson's statement by passing a resolution concerning the allies' war aims:

That this Synod cordially welcomes the statements concerning the war aims of the Allies issued by the Prime Minister of England and the President of the United States of America, and asserts its conviction that at the Peace Conference nothing short of a completely disinterested policy, whether in the disposition of territory or in the adjustment of commercial relations, will satisfy the conscience of the British people.²⁴²

Donaldson's Address and the resolution of the Provincial Synod were followed up with editorials in the *Chronicle*. From January to August 1919, with two exceptions, the monthly editorials were devoted to comments on the peace process and progress towards the League of Nations. In January the comment was on the future of Germany's Pacific colonies and freedom of the seas. In March the editor complained of Germany's procrastination and the 'lust for spoils' of some of the smaller nations. In April he commented on the painfully slow progress being made, and Wilson's difficulties in having his ideas accepted in his own country.²⁴³ The editor emphasised also the importance of proper attention being paid to the claims of the labouring classes. 'The relation of Capital and Labour cannot return to pre-war conditions'. The workman must share fairly in the results of his labour.

In May fears were expressed that the peace process would fail — national self-interest and ambitions were thwarting it. However, by June the terms of peace had at last been completed by the allies and presented to Germany, but still awaited the latter's signature. The editor saw the terms as 'drastic and severe', yet justified.²⁴⁴

²⁴¹ *Proceedings of the Fifth Session of the Synod of the Province of Queensland 1918*, pp. 8-14.

²⁴² *Proceedings of the Fifth Session of the Synod of the Province of Queensland 1918*, p. 24.

²⁴³ The difficulties caused Wilson to attempt to tie the peace treaty to the League of Nations proposal.

²⁴⁴ *Church Chronicle*, 1 January; 1 March; 1 April; 1 May; 1 June 1919.

The Brisbane Synod in June 1919 gave Donaldson another opportunity to make public comment. He pointed to many problems, but also to many 'hopeful signs'. In particular, he referred to moves towards industrial peace: '... there is a growing proportion of people who want not only military peace but also political and industrial peace, and what men genuinely want to-day *will be with us to-morrow*'. He was unduly optimistic in that regard! The Synod passed a comprehensive resolution listing what was considered necessary for a lasting peace, including a League of Nations. It concluded that the peace terms offered to Germany and Austria held out good prospects of achieving those objects.²⁴⁵

Typical of statements made by other churches was the resolution of the Presbyterian Assembly at its first meeting after the war, when it gave thanks to God that the war had been brought to 'a victorious close'; affirmed that the coming of peace 'must mean also the end of the deep-seated and far-flung causes of war'; and noted with 'sympathetic interest the effort of Governments to establish a League of Nations, and to create within the borders of their respective States, a more harmonious relation between class and class'. It concluded with a call to the people, 'to listen to the guiding word of our Lord ...'²⁴⁶

To varying degrees, the churches in Queensland examined and evaluated the peace proposals, and the likelihood of success. President Wilson's ideas were heartily endorsed. There was a concern that the terms imposed on Germany should be 'just' but not vengeful — though obviously there was room for differences as to what would be 'just'. Donaldson in particular supported Wilson's insistence on 'disinterestedness' from the victors. The establishment of the League of Nations was supported. There was also a concern evident in the Anglican and Presbyterian statements that something positive should come out of the war for the labouring masses — conflict between capital and labour was seen as a major cause of the war.

This does not support McKernan's assertion:

In 1917 and 1918 Australian clergymen took no part in the growing world-wide discussion about a negotiated peace; instead they merely repeated their belief that peace would not come until the nation had reformed. ... They were always spectators of the course of the war, fussing with the side issues but refusing to come to terms with the main drama.²⁴⁷

Another concern for the churches on the brink of peace was the matter of community

²⁴⁵ *Proceedings of Synod*, 1919, pp. 14-15; 31.

²⁴⁶ The assembly met in May 1919. See *Minutes of Proceedings of the General Assembly of the Presbyterian Church, State of Queensland* (Brisbane, 1919), pp. 12-14.

²⁴⁷ Michael McKernan, *Australian Churches at War*, Studies in the Christian Movement No. 6, (Sydney, 1980), p. 173.

moral standards, especially in the areas of sex and alcohol. The four years of war with its abnormal circumstances had led to a marked move away from the churches' teachings. The men in the services had been exposed to entirely new pressures on their standards. The early hope that the war would lead to a great renewal of faith was not realised — instead, the reverse happened. The coming of peace gave these concerns a new urgency. It gave rise towards the end of the war to movements such as the 'Strength of Empire Movement' in 1918, aimed at regaining the lost ground. The movement gathered support from most Protestant churches, and comparable efforts were made in the Catholic community. Detailed treatment is reserved to the next chapter.

CONCLUSION

The churches' responses to nineteenth and twentieth centuries' wars must be studied against the background provided by the traditional teachings that had evolved over many centuries. That process had produced the three basic Christian approaches to war: pacifism; acceptance of a 'just war'; and the 'holy war' or crusade. All three have appeared to varying degrees in the period covered by this study.

So far as Queensland churches are concerned, their earliest involvement was with the Sudan campaign, which was so remote and brief that it barely caused a ripple in church affairs. That the 'enemy' was regarded as an infidel who had murdered a Christian hero stirred Australian passions briefly in the direction of a 'crusade' type response. Against the popular perception was the analysis by the Catholic paper, the *Brisbane Australian*, one of the few critical reflections on the issues. It questioned whether it even rated as a 'just war', let alone a 'holy war'.

The Boer war was more serious for the Australian churches, and more problematical. It was a case of Christian fighting Christian, so it could not be seen as a crusade. While the churches generally supported the government in entering into the conflict, support was never absolute. There were divisions of opinion as to the justice of the British cause, and again towards Australian involvement. Webber and Dunne both had doubts about it, as did some of the non-conformist bodies. The general population, had they thought about it, would probably have seen it as a 'just war', but in a strict sense, the methods of warfare used hardly satisfied the fourth condition.

The effects of World War I upon Australia and its churches were out of all proportion to those earlier conflicts. Its scale; the vast numbers of men and materials that were involved; the long lists of casualties which left few people unaffected; the duration of the war — these all raised questions which had never been faced previously in

Australia.

In some ways the period of the war brought the churches and the nation closer together. For the Protestant churches in Queensland, it followed on the period of confrontation with the state during the twenty-year campaign for religious instruction in the state schools. During the war any thought of confrontation was put to one side, especially by the Anglican church with its traditional links to England, but also by most other Protestants. The church found new roles in the life of the nation — in recruitment; in engendering patriotism and loyalty; in the provision of chaplains to work amongst the troops. For Donaldson, this tied in with his perception of the God-given destiny of the British Empire (see above, page 186).

Initially the Catholic population was at one with their Protestant neighbours, giving full support to the war. That unity survived until the Easter rebellion in Dublin in 1916, which set off an extremely divisive process throughout Australia. Affairs in Ireland and the conscription referenda caused tensions with the other churches and the federal government. There were tensions within the Catholic community itself. As well, the same two issues caused division between the Labour government in Queensland and the federal government. In Queensland from mid-1916 onwards, the Protestant churches were supporting the federal government against the Queensland government. The Catholic church, despite Duhig's attempts to appear neutral, was supporting the Queensland government against the federal government of Hughes. The bitter sectarianism produced then persisted beyond the middle of the century. Dunne's earlier efforts to achieve good relations with the Protestants had been brought to nought.

A by-product of the conscription controversy was the raising of questions of the meaning of loyalty and patriotism in Australia. Could loyalty to Australia and the crown be separated from loyalty to the empire? Was Australia simply an outpost of British tradition and culture, or was it evolving a life of its own? In 1916 most Protestants saw Duhig's avowals of loyalty to the crown and Australia as insufficient, amounting almost to treason. Later in the century that position would be acceptable, but not in 1916.

The twentieth century has seen two world wars. In this period, the three historic positions have recurred. Bainton comments that in the United States the churches took a crusading attitude in World War I; pacifism was prevalent between the two wars; the approach in World War II approximated to the 'just war' viewpoint.²⁴⁸ This does not

²⁴⁸ R. H. Bainton, *Christian Attitudes Toward War and Peace: A Historical Survey and Critical Re-evaluation*, (London, 1961), p. 15.

fit the scene in Australia. As noted earlier, while something of the crusading approach was evident in Duhig during the Gallipoli campaign and in some other isolated instances(see pages 189,201), church leaders generally viewed the conflict as a 'just war'. While the German war-machine was regarded as an unmitigated evil and a threat to Christianity, that alone did not amount to a crusader approach. There was widespread condemnation of the methods of warfare employed by Germany. That implied a desire to see that the allies' methods were kept to accepted standards. The intention was to wage a 'just war' rather than a crusade. Amongst the people, anti-German propaganda may have whipped up crusading attitudes occasionally, but did not receive official acceptance in the churches.

A minority held pacifist opinions. Apart from the Quakers who were dogmatically opposed to war, no denomination adopted a pacifist stance. Individuals such as Gibson in the Presbyterian church and McDougall in the Congregational church spoke out as pacifists, but with little effect. As Bainton suggests regarding the United States, so in Australia pacifism became more prevalent after the war — as people surveyed the effects of modern warfare and the inability of any political process to control its aftermath.

The reflections of church leaders along the traditional lines of the 'just war' theory were welcomed by governments, and probably influenced policies. The Protestant churches were urging conscription ahead of the Prime Minister, and Hughes certainly drew comfort from their support for the 'Yes' campaigns. Finally, from 1918 onwards the churches took a lively interest in the peace process, and offered constructive critiques of the peace settlement and the proposed League of Nations.

These positions adopted within the churches were generally within the orbit of the three classic positions outlined at the beginning of this chapter: the 'holy war' or crusade; the 'just war'; and the pacifist stance. The degree of adherence to each position in the period under review corresponded roughly to what has pertained through the bulk of Christian history. That is, the majority of Christians who reflected on the issues endeavoured to follow the theory of the 'just war'. In some instances there was a leaning towards the crusade mentality, with a much smaller minority adopting the pacifist position. It is significant for the overall theme of this study that even though both the churches and the state believed they had moved beyond the old pattern of close church-state relations to one of separation, the classical pattern of responses prevailed when the nation went to war.

Chapter 7

SOCIAL ISSUES

In the nineteenth and early twentieth centuries the churches were in a position to influence the behaviour of a significant proportion of the population, and so were inevitably involved in the social life and structures of the community. This happened in a variety of ways: by the influence exerted on individuals through the pulpits and other channels of communication; by initiatives commenced by individuals or small groups which were later taken up officially by the church corporately; and by moves initiated and sustained by the corporate body itself.

The primary concern of this chapter is with the last two. In such activities the church often interacts with the state. Sometimes the church is operating in parallel with the state. Sometimes the church opposes policies or programmes espoused by governments. There are occasions when the two can co-operate in areas of common interest. The areas selected for examination here are alcohol abuse and associated problems, marriage and divorce legislation, and industrial affairs.

During the period under review, 1859-1918, from a slow beginning the churches in Queensland became involved in these areas to the point where they could not be ignored by governments. During the first two decades, despite initiatives by individuals, very little was done corporately. The churches were fully occupied in setting up their own internal structures. This was more of a problem for the Anglican church than the others because for that denomination it was a novel situation, having only recently been cast adrift by the state to fend for itself financially. The other denominations had had long experience of existing comparatively free of state control and support.

From the earliest days of settlement in Queensland, the churches faced the questions of drunkenness, gambling, and sexual vice. Doubtless numerous sermons were preached from pulpits dealing with personal morality. Moral instruction was given in the church schools. All these possibly influenced voting patterns and hence government policies, but this is virtually impossible to verify. The present study will be restricted to statements made by corporate bodies, indicating official church policy on particular issues; pronouncements by church leaders; editorials in official publications; deputations to governments and the like.

TEMPERANCE

Of all the moral questions, it was excessive drinking which caused the most persistent concern in both Catholic and Protestant church circles. An overseas visitor in 1895 described Brisbane as 'the city of hotels'.¹ One of the earliest corporate actions of the churches was to petition the parliament in 1876, urging that hotels should be kept closed on Sundays.² On the subject of temperance, if not total abstinence, the Protestant churches were reasonably united, to such an extent that in 1885 they were able to persuade the Griffith government to introduce a Licensing Bill which gave a measure of regulation over the hotel industry, including restrictions on Sunday opening.³ The Sunday restrictions, however, were largely ignored in the 1890s, with few prosecutions.⁴

Protestant Initiatives

The Presbyterian church in Queensland established a Committee on Intemperance in 1879.⁵ In 1886 the Anglican church established its Temperance Society, which at that stage advocated temperance, not total abstinence.⁶ The next reference in official Anglican documents was in 1890, when the Synod showed concern about the misuse of opium. It instructed the Diocesan Council 'to take such steps as to them may seem desirable, by petition to Government or otherwise, to check the sale and use of opium which is assuming serious proportions ...'⁷ The Presbyterian General Assembly of Australia in 1905 urged the Commonwealth government to prohibit the import of the drug except for medicinal purposes.⁸ The Wesleyan Conference in 1895 issued a statement that '... the drink traffic is blighting our national and social life'.⁹

A significant group within the temperance movement was the Women's Christian

1 *Courier*, 5 October 1895.

2 *Votes and Proceedings*, 1876.

3 *Queensland Government Gazette*, XXXVII, 1885, pp. 1703-37. As the son of the leading Congregational minister in Brisbane, and with his own personal leanings, Griffith may have been more responsive than some to pressure from the churches. See John Gray, 'Liquor and Politics. 1859-1904' (B.A. thesis, University of Queensland, 1967), p. 72.

4 *Courier*, 25 August 1898. Lawson comments that the only real impact of the 1885 legislation was in the area of local option polls, where hoteliers combined forces with temperance advocates to prevent new hotels being opened. Ronald Lawson, 'The Political Influence of the Churches in Brisbane in the 1890s,' *The Journal of Religious History* 7.2 (1972), p. 150-153.

5 *Minutes of the General Assembly of the Presbyterian Church of Queensland*, 1879.

6 *Proceedings of Synod*, 1886.

7 *Proceedings of Synod*, 1890.

8 *Minutes of the General Assembly of the Presbyterian Church of Australia* (Sydney 1905), pp. 11 & 24.

9 *Minutes of Wesleyan Conference*, 1895.

Temperance Union (WCTU), especially in the 1890s and early 1900s.¹⁰ Women's involvement in temperance movements in Australia goes back to the 1840s, but the leadership of those bodies was firmly under the control of men.¹¹ In the WCTU on the other hand, it was women combining with women, some of whom rose to prominent, public, leadership roles. The WCTU actively encouraged women to see a role for themselves beyond their homes. It was a consciousness-raising exercise:

In contrast to church work the WCTU involved drawing women out from their denominational rivalries and parish concerns to a wider world of political and social organization. Evangelicalism had begun the process of consciousness-raising, but temperance was a vital link in the recruitment of these women into secular reform.¹²

In similar vein, writing of the women's suffrage movement in the southern United States, Anne Scott wrote, '[the WCTU] provided a school for women leaders of considerable significance in the shaping of southern society and even southern politics ...'¹³

The realisation that the regulation of the liquor industry would be decided in the political arena led the WCTU to become politically active in the cause of women's suffrage. Agitation for women to be given the vote began in the 1880s. Lectures on the subject were given in Brisbane in 1892-93 by 'missionaries' from the parent WCTU in America, and a strong campaign was mounted through the 1890s. A separate division was created for the purpose, and an organiser, Elizabeth Ward, appointed. Ward believed that temperance and suffrage were 'the left and right hands of moral reform'. Women were believed to be morally superior to men, and women's suffrage was needed to purify a male-dominated society.¹⁴ Queensland women gained the vote in January 1905.

The closing of hotels on Sundays did not have strong community support. In 1899, in

¹⁰ The Women's Christian Temperance Union started in Cleveland, Ohio, in 1874. As well as temperance, the movement embraced a wide agenda of reform: raising the age of consent; prison reform; suppression of narcotics; peace work; social purity legislation. Concern over the opium trade led to the sending of 'missionaries' to Asian countries and Australia. A branch commenced in Sydney in 1882, and in Brisbane soon after. See Ian Tyrrell, 'International Aspects of the Women's Temperance Movement in Australia: The Influence of the American WCTU,' *The Journal of Religious History* 12.3 (1983), pp. 284-296.

¹¹ See Elizabeth Windschuttle, 'Feeding the Poor and Sapping Their Strength: The Public Role of Ruling-Class Women in Eastern Australia, 1788-1850', in Elizabeth Windschuttle, ed., *Women, Class and History: Feminist Perspectives in Australia, 1788-1978*, (Melbourne, Fontana/Collins, 1980), pp. 53-80.

¹² Tyrrell, *ibid.*, p. 296.

¹³ Anne F. Scott, 'Women, Religion, and Social Change in the South 1830-1930', in Samuel S. Hill, Jr., ed., *Religion and the Solid South* (Nashville, 1972), p. 117, quoted in Evelyn A. Kirkley, ' "This Work is God's Cause": Religion in the Southern Woman Suffrage Movement, 1880-1920,' *Church History* 59.4 (1990), pp. 517-18.

¹⁴ Tyrrell, *ibid.*, pp. 294-95.

the period leading up to the election, there was a proposal to legalise Sunday opening again. The Council of Churches published a manifesto protesting against such a relaxation, and called on people to vote only for those who opposed such a change.¹⁵ The Presbyterian *Austral Star* declared, 'Who is on the Lord's side? ... he is not on the Lord's side who is prepared to open the hotel bars on Sunday'.¹⁶ The third annual convention of the Queensland Temperance Alliance in July of that year blamed weakness on the part of the government for its failure to implement the provisions of the Licensing Act in that regard. A speaker told the gathering that the late Home Secretary, Horace Tozer, had claimed that the pressure of public opinion prevented the government from applying the law. The question of prohibition was raised in the convention. One speaker did not think prohibition would work in Australia — in the United States it had failed with deplorable results, leaving the liquor trade a stronger political force than before. It is significant, however, in the light of later developments, that several other speakers did speak in favour of total prohibition.¹⁷

In 1901 the combined membership of the various temperance bodies in Queensland was said to be about 20,000.¹⁸ That year the Anglican Diocesan Council joined the Queensland Temperance Alliance in a deputation 'comprising all Religious Denominations, Temperance Organisations etc. to wait upon the Government to ask them to strictly enforce the Sunday Closing Clauses of the Licensing Act ...'.¹⁹ The Catholic church did not participate. After numerous petitions were received by the government, a Royal Commission was set up, with submissions received from many clergy and churches. Sunday closing was the common theme of most submissions. Total abstinence was also pressed by some. One Anglican minister went against the stream on the grounds that public opinion would not accept Sunday closing. Better, he thought, to allow restricted opening. His submission was in line with what was eventually recommended by the Commission — restricted opening on Sundays.²⁰ The recommendation was ignored by the government.²¹

The temperance advocates responded by shifting their attack to the liquor interests, as they suspected improper political influence. The *Austral Star* believed the remedy for

15 *Courier*, 24 February 1899.

16 *Austral Star*, March 1899.

17 *Courier*, 12 July 1899.

18 *Votes and Proceedings*, 1901, vol. III, p. 1139.

19 AA, *Minutes of Brisbane Diocesan Council*, 5 September 1901.

20 *Votes and Proceedings*, 1901, vol. III, pp. 4-6.

21 See John Gray, 'Liquor and Politics. 1859-1904' (B.A. thesis, University of Queensland, 1967), pp. 107-108.

that was the nationalisation of the breweries and hotels.²²

In 1906 the Anglican church inherited a hotel in Longreach, which placed that church in something of a dilemma. The Synod decided to sell the hotel, thereby losing the income it would have earned.²³ At that stage the Anglican church was not a member of the Queensland Temperance Alliance. The Alliance was so impressed by the decision that a delegation appeared personally at the Synod to express their appreciation! The Synod responded to that gesture by appointing a delegate to the Alliance.²⁴

The question of the licensing laws continued to simmer. In 1907 the Methodist Conference spelled out what it hoped to achieve. Its objectives included a reduction in the number of licensed premises; the abolition of wine-shops; the closing of all hotels on Sundays; and the prohibition of women being employed as barmaids — it was assumed that barmaids were used to attract men into the hotels.²⁵

At the Anglican Synod of 1908 it was resolved:

That this Synod desires to impress upon the State Government the need which exists of reforming the present Licensing Act of Queensland, especially in respect to the following matters —

- A. The Licensing Authority.
- B. Local Option Franchise.

Moreover, the Synod also desires to emphasise the need of enforcing the Penal and Restrictive Clauses of the Act.²⁶

At the same Synod a resolution was passed to form an 'Anti-Shouting League' in the diocese, in the belief that this social custom only encouraged excessive drinking in the bars! The 'Anti-Shouting League' appears to have been still-born, with no further reference appearing in Synod minutes.

In spite of the fact that prior to the election in 1907, all three party leaders promised reform, nothing happened for several years. The subject surfaced again at the Anglican Synod in 1910 when a motion was moved which said in part, 'the time is opportune for more definite and aggressive temperance work'.²⁷ About the same time the *Chronicle* commented with satisfaction on the Licensing Reform Bill which was about to be

²² *Austral Star*, February 1902.

²³ *Proceedings of Synod*, 1906.

²⁴ *Chronicle*, 2 July 1906.

²⁵ *Minutes of Annual Conference* (Methodist)(Qld.), 1907.

²⁶ *Proceedings of Synod*, 1908.

²⁷ *Proceedings of Synod*, 1910.

presented to parliament, especially the proposal to reduce the number of licenses by one fourth every three years. The same article proposed that consideration be given to making bars more open to public scrutiny, rather than enclosed spaces, where the privacy was thought to encourage excessive drinking. In support of this contention some words of G. K. Chesterton were quoted:

if ... the local public-house could be as definite and isolated a place as the local post-office or the local railway station, if all types of people passed through it ..., you would have the same safeguard against a man behaving in a disgusting way in a tavern that you have at present against his behaving in a disgusting way in a post-office: simply the presence of his ordinary sensible neighbours ...²⁸

This last indicates that the attitude of the Church of England at that stage was not against alcohol as such, only its abuse. This had been emphasised by Donaldson in his address to the Synod in 1906 when the matter of the Longreach hotel was before it. He indicated that the relinquishing of the licence did not mean that the church regarded the liquor trade itself as sinful, but simply as something in which the church should not be involved.²⁹

The Presbyterian Assembly was expressing concern in 1911 regarding the need for reform of the licensing laws, and instructed its Committee on Temperance to act jointly with the Temperance Alliance to this end, though the report of the Committee seems to indicate a probable lack of interest on the part of Presbyterians generally. The Assembly sought to remedy that by decreeing that at least one sermon on the subject was to be preached in each church every year — largely ignored it would seem, as subsequent Assemblies re-iterated the instruction in stronger terms.³⁰

In 1911 a Liquor Bill came before parliament. It was so severely amended in the upper house that the Premier indicated to the Presbyterians that the government was not prepared to yield on the main principles of the legislation.³¹ The subject was before the Anglican Synod in June that year, where we see a harder attitude developing. When a motion was put to Synod for one representative to join with a deputation to the Premier from the Temperance Alliance, an amendment was moved and carried enlarging the representation to twelve.³² The Presbyterians likewise became alarmed. The 1912 Assembly urged 'upon the Government the great importance of legislating as soon as

²⁸ *Chronicle*, 1 August 1910. (No reference given).

²⁹ *Proceedings of Synod*, 1906.

³⁰ *Minutes of Proceedings of the General Assembly of the Presbyterian Church, State of Queensland* (Brisbane, 1911), pp. 14 & 85.

³¹ *Minutes of Proceedings of the General Assembly of the Presbyterian Church, State of Queensland* (Brisbane, 1912), p. 105.

³² *Proceedings of Synod*, 1911.

possible in the direction of giving the people the right of voting periodically and automatically (the first poll to be taken within three years) on the questions of Continuance, Reduction and Prohibition of Liquor Licenses ...'³³ Prohibition had been mentioned in the government's Bill, but only as an option to be exercised well into the future. The Presbyterians wanted the time shortened.³⁴

At the next Assembly in May 1913 it was reported with some gratification that the Liquor Act of 1912 had been at length passed, and the government was thanked. However, there was disappointment that the Act did not provide for a poll on prohibition until 1925.³⁵

Many still thought the Act had not gone far enough in immediate restrictions on the liquor trade. The Presbyterian Committee on Temperance pointed out to the Assembly in May 1914 that the amount spent on alcohol in Queensland was around half the total expenditure of the state, and five times the amount spent on education.³⁶ At the Anglican Synod in the following month, a resolution was passed setting up a committee to 'consider the best means of undertaking aggressive Temperance work and to report to the next Session of Synod'.³⁷ An article in the *Chronicle* shortly after the outbreak of war in August of that year appealed for total abstinence.³⁸ In England the Archbishop of Canterbury had likewise appealed for total abstinence for the duration of the war, and at the Synod in June 1915 it was reported that the King was setting an example in this.³⁹

The 1914-18 war led to a severe hardening of attitudes in the Protestant churches. When large numbers of men were thrown together in unusual circumstances, lacking the normal restraints which society and family placed upon them, it was not surprising that alcoholic excess occurred. Also, as indicated in the previous chapter, the war brought in its train a strong conviction that the nation was being punished for its sins, and so the church must call it to repentance and moral reform. For a time the Federal government yielded to pressure for dry rather than wet canteens at the camps, but this in turn led to some criticism by the editor of the *Chronicle*, as it forced soldiers to drink

33 *Minutes of Proceedings of the General Assembly of the Presbyterian Church, State of Queensland* (Brisbane, 1912), p. 34.

34 *ibid.*, p. 105.

35 *Minutes of Proceedings of the General Assembly of the Presbyterian Church, State of Queensland* (Brisbane, 1913), pp. 21 & 71.

36 *Minutes of Proceedings of the General Assembly of the Presbyterian Church, State of Queensland* (Brisbane, 1914), pp. 93-4.

37 *Proceedings of Synod*, 17 June 1914.

38 *Chronicle*, 1 September 1914, p. 177.

39 *Chronicle*, 1 February 1915; *Proceedings of Synod*, 11 June 1915.

outside of the camp, rather than in a situation where they could be supervised. 'The 'dry' canteen idea seems to be one of those cases where the extreme teetotal man overshoots the mark and injures the cause he has at heart'.⁴⁰ The editor was in agreement with Duhig, who had been part of a deputation urging wet canteens rather than dry, but the Presbyterians disagreed.⁴¹

Early Closing

From the early days of settlement, hotels in Australia had opened for very long hours, from five or six o'clock in the morning until eleven or later at night. In the closing decades of the nineteenth century temperance bodies began to argue for ten o'clock closing, but it was not seen as the most important issue.⁴²

A change came with the introduction of six o'clock closing of shops in 1900. Temperance campaigners, especially in the southern states, seized on that and asked why hotels should not close at the same hour. Various campaigns were waged in New South Wales, Victoria, and South Australia, but with no success.⁴³ It does not appear to have become a matter great concern to temperance bodies in Queensland at that stage.

It was the exigencies of war which produced a definite move towards the earlier closing of hotels in the evening. Duhig urged nine o'clock closing during the war.⁴⁴ The *Courier* commented favourably on the example set when Prime Minister Hughes dined at Windsor Castle in May 1916. There was no alcohol on the table, only soft drinks.⁴⁵

The Six o'Clock Closing League came into existence as a citizens' movement to put pressure on the government for a referendum on the issue. A deputation from the League met the Chief Secretary on 5 August 1915. In Donaldson's absence, his representative, Canon Hay, read a letter from the archbishop supporting the call for a referendum.⁴⁶ At a meeting of the Diocesan Council on 4 May 1916 Donaldson stated that 'a good deal of work had already been done and in the near future the Church would probably take a more active part'.⁴⁷

⁴⁰ *Chronicle*, 2 August 1915.

⁴¹ *Catholic Advocate*, 22 August 1918; *Minutes of Proceedings of the General Assembly of the Presbyterian Church, State of Queensland* (Brisbane, 1915), p. 111.

⁴² Walter Phillips, 'Six O'Clock Swill': The Introduction of Early Closing of Hotel Bars in Australia' *Historical Studies* 19 (1980), pp. 250-53.

⁴³ *ibid.*, pp. 252-53. Also Phillips' *Defending a Christian Country* (St. Lucia, University of Queensland Press, 1981), p. 270.

⁴⁴ *Catholic Advocate*, 22 August 1918.

⁴⁵ *Courier*, 3 May 1916.

⁴⁶ AA, Donaldson Papers.

⁴⁷ AA, *Minutes of Brisbane Diocesan Council*, 4 May 1916.

When the Synod assembled the following month, a resolution was passed unanimously 'That in the opinion of this Synod the Citizens' 6 o'Clock Closing Movement should be vigorously supported by the members of the Church of England in this Diocese'.⁴⁸ Commenting on that resolution, the *Chronicle* lamented that Queensland was the only state in the Commonwealth where no action had been taken, either to reduce the hours of opening for hotels, or to seek the guidance of electors on the issue.⁴⁹

At the Presbyterian Assembly in May 1916, a resolution was passed regretting that 'no action ... has been taken by the State Government' and urged the government

to take immediate steps to promptly deal with the question of the early closing of all hotel bars, club bars, and wine shops throughout the State', and in the event that the government did heed the call and grant a referendum, the Assembly urged all Presbyterians 'to support and vote for the Six O'Clock closing ...'⁵⁰

In September the same year a conference of ministers and laymen of the Congregational Union carried a motion urging the government 'to take immediate steps to close liquor bars at 6 o'clock'.⁵¹ A correspondent informed the readers of the *Courier* of the results of referenda in other states. The majorities in favour of 6 o'clock closing in the states where polls had been taken were: New South Wales 63%, South Australia 57 %, and Tasmania 59%.⁵² Victoria had not then voted.

The Ryan government did not bow to the pressure. The Presbyterian Assembly was told in May 1917 that 'the Premier has never once met them with even a show of practical sympathy'. The Assembly decided that overt political action was needed, and resolved to 'Request our Church members and adherents to support candidates for Parliament who are favourably disposed towards Temperance Reform'.⁵³ Again on 2 July 1917 a strong deputation which included Donaldson amongst its number waited on the Premier to press for a referendum on six o'clock closing, but came away dissatisfied with his response. The official reply was 'The Government having given careful consideration to the matter, are of the opinion that the object of the deputation will be met by the Initiative and Referendum Bill which will be introduced in Parliament during the current week'. In a strongly worded editorial on 1 August the *Chronicle* protested,

⁴⁸ *Proceedings of Synod*, 15 June 1916; *Courier*, 16 June 1916.

⁴⁹ *Chronicle*, 1 July 1916, pp. 130-131.

⁵⁰ *Minutes of Proceedings of the General Assembly of the Presbyterian Church, State of Queensland* (Brisbane, 1916), p. 34.

⁵¹ *Courier*, 15 September 1916.

⁵² *Courier*, 4 September 1916.

⁵³ *Minutes of Proceedings of the General Assembly of the Presbyterian Church, State of Queensland* (Brisbane, 1917), pp. 95 & 30.

On no subject has there been so great development of public opinion during the last few years as on Drink. In these days the defender of alcohol as a beverage is almost apologetic. ... it is the war conditions that have brought things to a head. In England, two years ago, drink bid fair to hand over the country to the Germans. Mr. Lloyd George said, at the time, that it was deadlier than any weapon the enemy could forge against us. ... [In April 1915 Lloyd George had introduced a measure to severely restrict the sale of alcohol in areas producing munitions.⁵⁴] Early closing has been passed in every State in Australia except Queensland. ... The Six O'clock Closing League is asking the Government for a referendum on the question of whether this State should fall into line with the rest of Australia, ... But the Government ... declines to grant this very reasonable request, but offers an alternative proposal.⁵⁵

The alternative proposal, unsatisfactory from the Anglicans' point of view, was that they should support the government's 'Initiative and Referendum Bill' about to be introduced into parliament. This was part of official Labour Party policy, and to support it would have involved the churches in party politics. The editor of the *Chronicle* saw it as 'a highly contentious piece of party legislation', on which the community was divided:

the course of the League is clear. It must take whatever steps are possible to convince the Government that the strength of feeling behind the six o'clock movement is something which cannot be safely flouted or ignored.⁵⁶

The warning, however was not heeded by the League, as it came out in open support of the Labour Party, which caused the Anglican support to be at least partially withdrawn. At the Synod held in October 1917 a resolution was passed expressing willingness to 'cooperate with every wise movement for reform of the liquor traffic', but at the same time to 'act independently and form our own Committees and work on our own lines'. The immediate policy would be 'to work for a proper and efficient control by the people of the liquor traffic, with a rigid enforcement of existing laws'.⁵⁷ However, the Synod received a deputation from the Six o'Clock Closing League, and passed a resolution confirming its decision in 1916 to co-operate with that body.⁵⁸ This was reaffirmed in 1918, but at the same time the Synod's Temperance Committee voiced its concern about appearing to support the return to power of one political party.⁵⁹

Prohibition

Through 1916 and 1917, the temperance movement had focussed on the question of the earlier closing of hotels. The possibility of pressing for the complete prohibition of

⁵⁴ *Courier*, 1 May 1915.

⁵⁵ *Chronicle*, 1 August 1917.

⁵⁶ *Chronicle*, 1 August 1917.

⁵⁷ *Proceedings of Synod*, 10 & 12 October 1917.

⁵⁸ *Proceedings of Synod*, 12 October 1917.

⁵⁹ *Proceedings of Synod*, 1918, Report of Temperance Committee, p. 170.

alcohol had been mooted since before the turn of the century. The 1912 Act had provided for a poll to be taken on the subject, but not before 1925. During 1917 the failure of the government to respond positively to the six o'clock closing campaign pushed the temperance advocates towards the more extreme solution. The *Chronicle* reported in January 1917 that shipbuilders in Britain were pressing for prohibition as a means of increasing the tonnage produced by the yards.⁶⁰ On 16 June the *Courier* carried an article on the moral dangers of alcohol.⁶¹ The *Chronicle* told of a situation in the United States where some companies were enforcing a rule of total abstinence both on and off the job as a condition of employment. They reported greatly increased production.⁶²

Pressure for prohibition was obviously building, and the 1917 Synod had before it a lengthy motion favouring that policy, but it was reduced by an amendment to a simple instruction to its Temperance Committee to make enquiry and research, and to report with recommendations to the next Synod in 1918.⁶³ The *Chronicle* reported that the South Australian Synod had passed an almost unanimous vote favouring wartime prohibition.⁶⁴

In May 1918 the Presbyterian Committee on Temperance reported to the Assembly that 'It would be in the interest of national efficiency and economy and the well-being of our returned soldiers that total prohibition should be put into force in the Commonwealth'.⁶⁵ In its report to the Anglican Synod on 11 June, the Temperance Committee had to plead insufficient time to prepare the report requested in 1917, and was firmly instructed to present its report to the next session.⁶⁶ An unofficial interim report was prepared by an individual member, A. Toombes, at the request of the committee, and was printed in full by the *Chronicle*.⁶⁷

This interim report dwelt at length on the negative effects of alcohol consumption on the war effort, quoting words from the *Sydney Bulletin*, 'Booze — the Huns Ally', and Lloyd George, who had stated that 'drink was doing more harm than German submarines'. Toombes was strongly in favour of prohibition, pointing to Canada and the United States as examples of what could be done.

60 *Chronicle*, 1 January 1917, p. 4.

61 *Courier*, 16 June 1917.

62 *Chronicle*, 2 July 1917, p. 123.

63 *Proceedings of Synod*, 12 October 1917.

64 *Chronicle*, 1 November 1917, p. 203.

65 *Minutes of Proceedings of the General Assembly of the Presbyterian Church, State of Queensland* (Brisbane, 1918), p. 83.

66 *Proceedings of Synod*, June 1918, pp. 170, 262 & 263.

67 *Chronicle*, 1 July 1918, pp. 130-131.

In his opening Address to the Synod Donaldson devoted a short but strongly worded section to the effects of the war on 'sins of the flesh'. 'Drunkenness,' he said, '... stands self condemned in its obvious disastrous effect on the nation's fighting force; but sexual sin seems to possess fighting nations like a madness.'⁶⁸

The result was that the Synod resolved:

That Synod notes with satisfaction that Wartime Prohibition of the manufacture and sale of alcoholic beverages has been accomplished in Canada and nearly so in the United States of America, and in view of the existing war situation and the imperative necessity of the whole strength of the nation being brought to bear upon the winning of the war, we cordially welcome the Australian movement for securing Prohibition by enactment of the Federal Government to cover the period of the war, and of repatriation of our soldiers; and the Synod urges the Clergy and Laity to afford energetic support and assistance to this movement.

That a copy of the foregoing resolution be forwarded to the Acting-Prime Minister and to each of the Queensland members of the Senate and House of Representatives.⁶⁹

The *Chronicle* published a detailed report of a survey in Canada carried out by the Anglicans in that country, which concluded,

Prohibition laws in the six provinces that have enacted them are working well ... The benefits gained from these laws are almost incalculable, and the very thought of going back to the old system is out of the question. *In a word, the Church of England in Canada is solid for Prohibition.*⁷⁰

At that stage, support was for prohibition only during the war and immediately afterwards, but it is indicative of a considerable hardening of the Anglican church's attitude as compared to the pre-war period.

The 1918 Synod also expressed its strong approval for a recent change in the Labour Party platform:

That this Synod welcomes the recent amendment of the Platform of the Queensland Labour Party, by which provision is made for a Liquor Act Amendment Bill, appointing Triennial Automatic State Option Polls, in which a majority vote will decide the issues, including total prohibition, and urges the Government to give effect to these proposals during the current session of Parliament.⁷¹

In his opening address to the Provincial Synod of October of that year, under the heading, 'Preparing for Peace', Donaldson raised the question of prohibition in the context of commenting on what was likely to happen when the troops returned from overseas. He said:

... indulgence of the flesh, whether sexual or alcoholic, is inseparable from human nature. ...

68 *Proceedings of Synod*, 1918, p. 250.

69 *Proceedings of Synod*, 13 June 1918

70 *Chronicle*, 2 December 1918, p. 238.

71 *Proceedings of Synod*, 14 June 1918

it seems to be a fact beyond dispute that the moral standard of the American army as regards drunkenness and venereal disease is quite definitely higher than that of the French and British armies ... [due to] strict legislation and the enforcement of total prohibition of alcoholic liquors in all cantonments. This sets us thinking.

He went on to deal with the subject in a way which showed that while he had always had doubts about prohibition, his objections were being overcome:

Suggestions for total prohibition are in the air. The movement for it has grown by leaps and bounds in North America, and whether we will or not, we must make up our minds on the subject. There are three main objections to prohibition which, in the past, have carried weight with me; but I confess that some of these objections have melted away in the light of further thought. The first relates to the historical associations which attach to the use of liquor; the second questions our right to enforce upon others acts of self-denial we may think right for ourselves; and the third is that past experience proves that prohibition does not always work, and drunkenness is as rife in dry States as elsewhere.⁷²

He then went on to analyse these objections. In respect to the first, while he saw great weight in the fact that wine had always played a part in human life and in 'the most sacred act of our religion', yet when 'as a nation we find ourselves incapable of touching it without misusing it', then circumstances may demand prohibition. He foresaw the possibility that after a period of prohibition, a nation might come to the conclusion that it had learned how to handle it, and so allow alcohol to be used again. But for the moment, as 'the evil is most urgent and menacing, I can see nothing fanatical in the project of prohibition. It seems to me mere commonsense'.

As to the second, he pointed out that the prohibition of opium was directly parallel to the prohibition of alcohol. '[We] cannot say that it is inherently wrong to restrict men's private liberty for the sake of the community. The only question is whether the circumstances demand so drastic a course'.

On the third, he said,

But what still holds me back from advocating permanent State Prohibition in Queensland is the practical [problem] that prohibition does not work. ... Public opinion, both in Canada and in America, seems to be declaring for it daily with fresh insistence; on the other hand, the new movement is quite recent, and no reports can be yet available as to the effect of it under the new conditions, except the forecasts of statesmen and experts, which seem to be uniformly favourable. ... Meantime, I believe that a measure of temporary prohibition during the period of demobilisation is imperatively demanded. ... Something must be done to tide us over a troublous time, and I believe that a bold effective measure will win the support of public opinion where a feeble compromise would fail.⁷³

Similar reasoning had brought into being the 'Strength of Empire Movement', seeking to parallel the 'Strength of Britain' movement which was pressing for prohibition in

⁷² *Proceedings of Queensland Provincial Synod*, October 1918, pp. 14-16.

⁷³ *Proceedings of Queensland Provincial Synod*, October 1918, p. 16.

that country.⁷⁴ The Movement in Queensland had a twin policy thrust, listing proposals for the control of venereal disease on the one hand, and alcohol abuse on the other. It spread rapidly across the denominations and found its strongest support in Anglican ranks — influenced probably by the fact that it was following the lead of the mother country, and the reference to the ‘Empire’ in its title.

At its inaugural meeting in Brisbane on 21 August 1918, a letter from Donaldson giving strong support for wartime prohibition was read to the gathering, as he was unable to be present. He was made a Vice-President. At the Provincial Synod the following October, after a leading question was asked by a layman, Donaldson referred to the movement, and a resolution of support was carried unanimously:

That this Synod cordially commends the Strength of Empire Movement for combating intemperance and venereal disease, and urges Church people to support the movement by all means in their power.⁷⁵

By November 1918 the editor of the *Chronicle* commented, ‘The Strength of Empire Movement started recently in Queensland is already meeting with remarkable success in uniting all good citizens into one big organisation for an organised drive against Drink and Venereal Disease’.⁷⁶ Such a link between alcohol and venereal disease was frequently made. In an address to a conference organised by the Movement in September 1919, an Anglican clergyman, G. L. Hunt, declared, ‘Venereal disease is not threatening society with restrictions — it is threatening society with extinction. If you introduce prohibition you change the whole aspect of the battle against venereal disease — you make it a winning fight instead of a losing one’.⁷⁷

The Presbyterian Committee on Temperance saw the merging of the Protestant temperance organisations in the Strength of Empire Movement as ‘a move in the right direction, as long as it is kept free from party politics, which has been the bane of Temperance efforts in the past. This movement for Total Prohibition should receive our strong support’.⁷⁸ Strangely, considering the vigorous concern for prohibition in the Assemblies of 1912 and 1913, the 1919 Assembly simply received its Committee’s report and urged ‘an attitude of direct antagonism to the drink traffic’.⁷⁹

⁷⁴ *Chronicle*, 1 July 1918, p. 131.

⁷⁵ *Proceedings of Queensland Provincial Synod*, October 1918.

⁷⁶ *Chronicle*, 1 November 1918, p. 207.

⁷⁷ *Chronicle*, 1 October 1919, p. 214.

⁷⁸ *Minutes of Proceedings of the General Assembly of the Presbyterian Church, State of Queensland* (Brisbane, 1919), pp. 70-71.

⁷⁹ *Minutes of Proceedings of the General Assembly of the Presbyterian Church, State of Queensland* (Brisbane, 1919), p. 35.

After hearing from the State Superintendent of the Movement (Toombes), the Anglican Synod when it met in June of that year gave stronger support with the following resolution:

That this Synod desires to record its satisfaction that the whole situation in Queensland with regard to the Drink Question — especially in relation to venereal disease — has taken on a new and more hopeful aspect during the past year, because of the wide educational campaign so successfully begun by the Strength of Empire Movement. This Synod appreciates the united patriotic character of this citizens' movement; and whilst cordially endorsing its policy, appeals to everyone to become active members of the Movement, and earnestly invites the co-operation of pulpit, platform, and Press, to the end that public opinion may be aroused and those matters of national vitality.⁸⁰

The policy of the Movement on alcohol was stated as follows:

We desire that the people of this State shall have the opportunity next year of deciding this liquor question, that the issue of Continuance or Prohibition shall be submitted to the electors of Queensland. We do not ask Parliament or the Government to bring in Prohibition, or to commit itself to any side on what is conceded as a contentious question. ...⁸¹

While the original intention had been to campaign for prohibition *during wartime*, the ending of the war in November 1918 did not mean the end of the Movement. Supporters like Donaldson rationalised its extension as needed during the turbulent period of demobilisation. A period of prohibition might educate the community in a more sensible use of alcohol, and the policy could then be relaxed.⁸²

The *Chronicle* urged Anglican parishes and people to get behind the Movement, by advocating its policy; enrolling members; speaking at meetings; writing letters to the press etc.:

Men and women of influence in every district should keep in mind the immediate objective of the Movement, which is to obtain a Referendum on Prohibition at an early date from the State Government, and to carry it by a big majority.⁸³

The following month the paper reported that the Movement had decided to appeal to the government for a referendum on prohibition to be held in 1920. The *Chronicle* noted that such a move was in accord with the official policy of the Labour Party, but had not been implemented.⁸⁴

The campaign reached a peak in the second half of 1919, when the Premier was bombarded with letters and petitions from individuals, church and temperance bodies, all urging prohibition. Of the churches, the Anglicans gave the strongest support.

80 *Proceedings of Synod*, 1919, also *Chronicle*, 1 July 1919, p. 144.

81 *Chronicle*, 1 August 1919, p. 159.

82 *Proceedings of Queensland Provincial Synod*, October 1918, p. 16.

83 *Chronicle*, 1 July 1919, p. 144.

84 *Chronicle*, 1 August 1919, p. 167.

Branches of the Women's Christian Temperance Union and the Strength of Empire Movement were frequent correspondents.⁸⁵

In this instance, probably because it coincided with the policy of the Party, the government did what the prohibitionists were advocating. The Liquor Act Amendment Bill was passed by the parliament, which provided for the first of three-yearly polls to be taken in October 1920. Voters were to be given three options:

- (a) State management of manufacture, importation and sale of fermented and spirituous liquors;
- (b) Prohibition, to take effect in July 1925 or three years later if there were further polls, and so on; and
- (c) Continuance of the present system.⁸⁶

In spite of a strong campaign, the prohibitionists were not successful.

The very name of the Strength of Empire Movement, likewise the references in the Brisbane Synod's resolution to 'the united patriotic character', 'national vitality', suggest that it was appealing to the sense of euphoria and patriotism brought about by the victory in Europe.

But even at the Synod which in 1919 gave such strong support to the Strength of Empire Movement and the push for prohibition, the Temperance Committee stated in its report that it was doubtful about the degree to which the desire for prohibition had permeated the rank and file of the church. Subsequent events bore this out, when the 1920 poll did not support the proposal. While the Brisbane Synod passed a further resolution in 1920, the North Queensland Synod in 1922 rejected a similar motion.⁸⁷ Both church and public opinion were changing, and in spite of further strenuous efforts by the pro-prohibitionists in the 1920s, prohibition never became a fact in Queensland. In 1923, however, a slight move was made in the direction urged by temperance advocates when the closing time of hotels was brought forward to eight o'clock.⁸⁸

Catholic Initiatives

There was deep concern in Australian Catholic circles to promote the temperate use of

⁸⁵ QSA, PRE/B 1919 (Associations 26.7.1919 to 20.11.1919).

⁸⁶ *Minutes of Proceedings of the General Assembly of the Presbyterian Church, State of Queensland* (Brisbane, 1920), p. 85.

⁸⁷ K. Rayner, 'The History of the Church of England in Queensland' (PhD thesis, University of Queensland, 1962), p. 423.

⁸⁸ Walter Phillips, "'Six O'Clock Swill': The Introduction of Early Closing of Hotel Bars in Australia' *Historical Studies* 19 (1980), p. 250.

alcohol. In 1879, one Father Henneberry visited Queensland under the auspices of the Catholic Temperance Society, and preached to large congregations. Two thousand persons are reported to have pledged total abstinence in St Stephen's Cathedral.⁸⁹ The lecturer lamented that the Reformation of the 16th century had separated religion from politics. The *Australian* carried a full report.

The same issue reported a meeting of the 'St. Joseph's Temperance Society' in Townsville, and quoted from the Lenten Pastoral of the bishop of Galway, urging the laity to support 'the sacred cause of Temperance'. 'From experience we know the enduring effects of the administration of the total abstinence pledge on the occasion of parochial visitation'.⁹⁰ Two weeks later the same paper reported good progress of both the 'Brisbane Temperance Society' and 'St. Joseph's Temperance Society'.⁹¹ Later again it reported on a meeting of the 'Catholic Total Abstinence Society', modelled apparently on 'The Total Abstinence League of the Cross' in Ireland.⁹² A Catholic 'Temperance Procession' was held shortly afterwards in Brisbane.⁹³

In 1885 the *Australian* published in full the Lenten Pastoral letter of Moran, who had arrived in Australia the previous year to be Archbishop of Sydney.⁹⁴ Moran exhorted the faithful to embrace and promote the cause of temperance, and pointed to the examples of England and Ireland where the Catholic hierarchies had exhorted the clergy to exert 'all their influence and zeal in repressing drunkenness, which is one of the great evils of the day, demoralising and impoverishing the people ...' He reported that in the United States, Temperance Associations were very active in Catholic churches.

Moran urged the establishment of such associations in every parish, and temperance practised in every home throughout the land.⁹⁵ This concern of Moran's was not new, but reflected 'the strong temperance strand in Catholicism, which went back to the 1840s'.⁹⁶ Moran himself founded a 'Catholic Total Abstinence Association' in May 1885.⁹⁷

In the same year, influenced by Archbishop Dunne, the Plenary Council of bishops

89 *Moreton Bay Courier*, 23 June 1879.

90 *Brisbane Australian*, 10 May 1879.

91 *Brisbane Australian*, 24 May 1879.

92 *Brisbane Australian*, 7 and 21 June 1879.

93 *Brisbane Australian*, 5 July 1879.

94 Moran was made a cardinal later in 1885. P. O'Farrell, *The Catholic Church and Community: An Australian History*, (Sydney, 1985), pp. 231 and 237.

95 *Brisbane Australian*, 7 March 1885, pp. 16-17; *Courier*, 17 February 1885.

96 P. O'Farrell, *ibid.*, p. 282.

97 P. O'Farrell, *ibid.*, p. 282.

advocated temperance as a particular need of Irish Australians,⁹⁸ and in 1889 Dunne took up the issue in his Lenten Pastoral:

Perhaps, amongst the most degrading, and yet amongst the most common of the vices to which the people of these colonies are enslaved, is the habit of drunkenness. ... Nobody but the priests of God's Church can realise the havoc that is making in the masses of the Catholic community, in several parts of Australia.

Dunne went on to refer to what he had seen happen amongst railway construction gangs on pay days. He complained that his remonstrances to the civil authorities had been of no avail, and commented that the Irish in Ireland had three tyrannies: the Government; the landlords; and drink. He asked, 'Have they brought the third to Australia with them, to be worse than the three together at home?'⁹⁹

During the 1914-18 war, Duhig had initially supported a deputation asking for nine o'clock closing,¹⁰⁰ but the Catholic church did not give its support either to the movement for six o'clock closing or the Strength of Empire Movement's push for prohibition. On two consecutive Sundays, 18 and 25 August 1918, Duhig addressed public gatherings and warned his hearers of the dangers of extremism. At the opening of the residence at St. Laurence's College on 18 August, he said:

... the cause of temperance in Australia today is likely to be shipwrecked by the many extremists taking part in the movement. ... You cannot make people moral by Act of Parliament, but there are many who think that every reform should be brought about by it. Temperance, like many other good things, is a matter of education and environment. Let Australian women make their homes happy and comfortable and attractive for their menfolk, and they will not find their husbands, brothers, or sons, frequently seeking the company of the public house. Many homes are quite comfortless and unattractive, not for want of means but because of some defect of personality or domestic training of those who have charge of such homes. ...

Whether many women in the audience agreed with Duhig's analysis of the cause of excessive drinking by their menfolk seems unlikely! He continued:

Whatever liquor reform is brought into this country, it is to be hoped that the folly of total prohibition will be avoided. We are a sane people, and we ought to act as sane people, and not be running to cure our ills by extreme measures. ...¹⁰¹

The following Sunday afternoon he was laying the foundation stone for a school at Enoggera. Commenting on public responses to his address the previous week, he said:

⁹⁸ P. O'Farrell, *The Catholic Church and Community: An Australian History*, (Sydney, 1985), pp. 282-3.

⁹⁹ *Brisbane Australian*, 9 March 1889. In an address at Red Hill in 1893, Dunne lamented the poverty of some Catholics brought on by their addiction to alcohol — much valuable property around Brisbane had been lost. *Courier*, 9 January 1893.

¹⁰⁰ *Catholic Advocate*, 22 August 1918, p. 13.

¹⁰¹ *Catholic Advocate*, 22 August 1918, p. 13.

[My] remarks brought forth much comment in the daily papers. I see that the Council of the Six O'Clock Closing movement took them so seriously as to register a resolution, condemning my views. Now, I do not give way to anyone in the community in a desire to see a sober people here in Queensland, a sober nation in Australia, and a sober Empire, but I still maintain that, in bringing about this happy condition of things, we should avoid extremes. ... I doubt very much if it [early closing] would be an effective remedy against the drink evil. ... We see the ... drunkard in our streets, ... [but] Private drinking is quite as much a curse as public drinking, ... and it is to be feared that private drinking in clubs and at home is, if anything, on the increase in Australia.¹⁰²

Duhig did not accept that public drunkenness was the major evil in society. Private drinking, contraception and abortion were for him far more serious:

There are greater social evils than the open bar, and private drinking is one of them. Race suicide is another, neglect of the home is another. ... Lack of home life is one of the real evils that threaten Australia, and as long as it exists, the drink evil will co-exist with it.¹⁰³

As indicated in his address at St. Laurence's, Duhig was emphatically against prohibition. He pointed out that it was their custom to administer a total abstinence pledge to boys and girls when they were confirmed, with their own consent and with the permission of their parents, and those who took the pledge were expected to observe it until their twenty-fifth year. While he claimed to have administered the pledge to twenty thousand children during his time in Brisbane, he did not give any indication of how effective the practice was in reducing drunkenness amongst Catholics.¹⁰⁴ As noted earlier, O'Farrell is sceptical of the effectiveness of the Catholic hierarchy's calls for temperance on the Irishmen's pride in their drinking prowess.¹⁰⁵

O'Farrell comments that the Catholic concern for temperance was largely ignored by Protestants, which, he says, 'is hardly surprising, as Catholics themselves retained (in sorrow or in pride) a self-image of being heavy drinkers'.¹⁰⁶ O'Farrell notes a fundamental difference in the policies of the Catholic temperance movements, in that they strove for individual self-control, whereas the Protestant movements sought state legislation to limit the availability of alcohol.¹⁰⁷ While that was true, O'Farrell ignores the fact that the Protestant societies, in addition to pressuring governments, were also at the same time encouraging individuals to exercise self-control.

¹⁰² *Catholic Advocate*, 29 August 1918, p. 18.

¹⁰³ *Catholic Advocate*, 29 August 1918, p. 18.

¹⁰⁴ *Catholic Advocate*, 22 August 1918, p. 13.

¹⁰⁵ P. O'Farrell, *The Catholic Church and Community: An Australian History*, (Sydney, 1985), p. 283.

¹⁰⁶ *ibid.*, p. 283.

¹⁰⁷ *ibid.*, p. 283.

Summary

For the period under review, the temperate use of alcohol was a matter of major and universal concern for all the churches in Queensland, as throughout Australia. There was disagreement, however, on how that moderation was to be achieved.

The Catholic bishops were for the most part wanting it left to the conscience of the individual, administering a total-abstinence pledge to as many children as possible — the children promising to abstain until adulthood. In addition, Catholic temperance societies were formed in most dioceses, to promote the cause in the parishes. An exception to that rule was when Duhig did participate in a deputation to the government early in World War I seeking nine o'clock closing of hotels. This deep concern on the part of the Catholic bishops had its roots in Ireland, where the hierarchy had become alarmed at the effects of alcohol on their people.

While most Protestant churches formed their denominational temperance movements, they relied heavily on interdenominational bodies such as the Temperance Alliance, and later, the Six O'Clock Closing Movement and the Strength of Empire Movement. There does not appear to have been any co-operation with the Catholic societies, due, O'Farrell suggests, to the correct Protestant perception that Catholics generally took pride in being hard drinkers in spite of the pleas from their bishops.¹⁰⁸ The divergence increased markedly during the 1914-18 war, as the push for prohibition gathered strong support eventually from all major Protestant groups, but was eschewed by Duhig. One result was that the Protestant-Catholic divide, heightened tremendously during the war by the conscription campaigns, received another boost by the lack of consensus on temperance.

The response of the state to the pressure from the Protestant societies is impossible to gauge with any accuracy. While the various governments in Queensland did take steps from time to time to regulate the liquor trade, it could be argued that such action was inevitable given the role of the state in society. Certainly the Ryan government during the war resisted the Protestant clamour for 6 o'clock closing, and while it responded eventually to the clamour for a referendum on the issue, it was clearly not in favour of prohibition. As a majority of that government was made up of Catholics, it is not surprising that it resisted the pressure and followed Duhig's line. It was by no means certain that the majority even of Protestants in the community were in agreement with

¹⁰⁸ P. O'Farrell, *The Catholic Church and Community: An Australian History*, (Sydney, 1985), p. 283.

their church leaders on the subject. Politically, the government believed it was on safe ground, as was subsequently proved correct in the 1920 referendum.

SEXUAL MORALITY

In the latter part of August 1911 the problem of venereal disease was forced upon the attention of the church when the Executive Council took action to remove the Prevention of Contagious Diseases Act (1868) from the statute book.¹⁰⁹ Under the Act the numerous prostitutes in Queensland were required to report weekly for a medical examination. Opponents saw the Act as giving legal recognition to commercialised vice — it was ‘indecent’, ‘unnecessary’, ‘not Christian’, ‘beastly’, ‘unconstitutional’, ‘oppressive’, ‘imposed a double standard for men and women’.¹¹⁰ It was regularly attacked by women’s groups and churches over the next four decades after it was enacted.¹¹¹ In 1884 the Presbyterian Assembly passed a strong resolution and sent a deputation to the Premier (Griffith) to protest against the Act. On the same day it reported the Presbyterian move, the *Courier* itself supported the legislation.¹¹² Bishop Hale declared, ‘The Acts are an insult to Christianity. ... Down with such laws!’¹¹³

In August 1911 the government decided to bow to the pressure when its own advisers said that it was not workable.¹¹⁴ Archbishop Donaldson then found himself the recipient of letters from the *Ladies’ National Abolition of State Regulation of Vice, and for the Promotion of Social Purity Movement* in London, also from the Mothers’ Union in that city. Both wanted to know the church’s attitude to the government’s move.¹¹⁵ Both bodies were anxious to see government regulation of vice ended, arguing that regulation implied the condoning of prostitution. Their basic concern was the matter of state-controlled brothels.

The National Council of Women supported government regulation of vice, but wanted to see it extended to cover males as well as females. Given the situation in Queensland, however, the Council decided to support the move to end government regulation. Early

¹⁰⁹ *Act for the Prevention of Contagious Diseases of 1868*, (31 Vic., No. 40).

¹¹⁰ See Ronald Lawson, *Brisbane in the 1890s: A Study of an Australian Urban Society* (Brisbane, University of Queensland Press, 1973), p. 290; E. Barclay, ‘Queensland’s Contagious Diseases Act, 1868 — “the Act for the Encouragement of Vice” and some nineteenth century attempts to repeal it. Part I.’ *Queensland Heritage* 2.10 (1974), p. 27.

¹¹¹ See E. Barclay, *ibid.* Parts I and II.’ *Queensland Heritage* 2.10 (1974), pp. 27-34, and 3.1 (1974), pp 21-29.

¹¹² *Courier*, 10 March 1884.

¹¹³ E. Barclay, *ibid.* Part II.’ *Queensland Heritage* 3.1 (1974), p. 23.

¹¹⁴ E. Barclay, *ibid.* Part II.’ *Queensland Heritage* 3.1 (1974), p. 27.

¹¹⁵ MacKenzie to Donaldson, 15 December 1911; Mothers’ Union (London) to Donaldson, 15 December 1911, AA, Donaldson Correspondence.

in September the Secretary had written to the Mothers' Union in Brisbane, asking that they should support the move, but the latter replied saying that as a body they could not accede to the request.¹¹⁶ This led to the letters from London complaining that some members of the Mothers' Union in Queensland had joined forces with those resisting the move to remove the Contagious Diseases Act from the statute books. Donaldson replied that while as a body they had decided not to take action, the way was open for individual action.¹¹⁷

The *Chronicle* took up the matter in an editorial which examined the arguments for and against the government's move, saying that it would be 'misleading for a Church newspaper to keep silence on a question to which the secular press has given such wide publicity and which is fraught with issues so vital to the moral and physical well-being of the nation'. The editor rejected the argument that regulation implied the condoning of prostitution, and inclined towards making the males involved equally responsible with the women. He came to the conclusion that the government should appoint a carefully chosen Royal Commission.¹¹⁸ Obviously the church was not of a single mind on the subject, and was not yet ready to make any official pronouncement.

The Brisbane Synod did carry a resolution in 1914, however, urging the government to pass the legislation 'as a means of mitigating the evils of vice and immorality'.¹¹⁹

Several matters of sexual ethics arose during the war. The 'Brisbane Council of Public Morality', of which the Governor was patron and Donaldson was president, wrote to the Premier in 1915, seeking action against 'certain injurious literature' and 'preventives', that is, contraceptives.¹²⁰ Censorship became an issue in 1916. In February the *Chronicle* criticised the moral standards of plays which made light of adultery, and the Synod requested Donaldson to lead a deputation to wait on the Home Secretary to 'secure definite action in regard to the more strict censorship of picture films, and the limitation of hours during which children under fourteen may attend'.¹²¹ Donaldson made further reference to these matters of sexual ethics in his address to Synod in 1917.¹²²

Contraception had become an issue early in the century, especially amongst church

¹¹⁶ Harris to Cumbræ Stewart, 2 September 1911; Cumbræ Stewart to Harris, 13 September 1911, AA, Donaldson Correspondence.

¹¹⁷ Donaldson to Mothers' Union (London), 22 January 1912, AA, Donaldson Correspondence.

¹¹⁸ *Chronicle*, 1 November 1911.

¹¹⁹ *Proceedings of Synod*, 17 June 1914.

¹²⁰ Donaldson to Premier, 17 April 1915, AA, Donaldson Correspondence.

¹²¹ *Chronicle*, 1 February 1916, p. 23; *Proceedings of Synod*, 1916, p. 42.

¹²² *Proceedings of Synod*, 1917.

leaders in the sparsely populated north of the state. In a letter to the Premier in October 1901 on the subject of divorce, Gilbert White, Bishop of Carpentaria, took the opportunity to attack contraceptive practices:

The note of a real and pressing danger to the State has already been struck in the steadily decreasing birth rate of Australia, which has fallen from 41 per 1000 in 1865 to 27 per 1000 in 1899, and is now lower than that of any European country except France. It is notorious that this decrease is due in large measure not to natural but to unnatural causes connected with a low estimate of the responsibilities of married life. ... Marriage is the denial of individualism. ... Individualism, caring nothing for the common good, seeks to make marriage a mere matter of personal gratification, to be set aside as soon as it ceases to afford pleasure, without regard to its social responsibilities; and to be distorted by artificial restrictions in such a way as to deprive it of its chief meaning in relation to the State.¹²³

In his address to the North Queensland Synod, Frodsham declared that if he could act alone he would excommunicate all who sold and used contraceptives.¹²⁴ If Frodsham, a highly respected bishop held such extreme views, it is probable that they were shared by many in the church at that time. However, such views did not persuade governments to ban contraceptives in the state, though their sale was regulated.

Likewise in Catholic circles, contraception was vigorously condemned as 'race suicide'. 'There are greater social evils than the open bar, and private drinking is one of them. Race suicide is another; ...', said Duhig.¹²⁵ In his Lenten Pastoral of 1918 he addressed the subject at some length:

The most unholy selfishness of our day is the limitation of families, in defiance of the Divine will and in the face of the country's great need of population.

To enter matrimony with a mind to exclude subsequent family responsibilities is, in the eyes of the Church, to contract an invalid marriage.

To seek to regulate the number of one's family after marriage is a sad desecration of a sacrament ... But the supreme horror is the ignoring of the right of the unborn child to its life ...

The Church, that safeguards the sanctity and stability of the marriage tie, is the only power than can effectually deal with this evil. The civil law, because it judges of outward acts only, can be evaded in a thousand ways. Reforms must begin in the heart and conscience, ...¹²⁶

Contraception was brought to the attention of the Presbyterian General Assembly in 1907. Its Public Questions Committee described the practice as 'defiance of both God and nature', 'callous selfishness' which will 'lead to the decay and ultimate ruin of our race and nation'. The Assembly warned its members against this 'serious sin' in the

123 White to Philp, 15 October 1901, *Chronicle*, 1 November 1901.

124 *North Queensland Year Book, 1904-1905*.

125 *Catholic Advocate*, 29 August 1918.

126 *Catholic Advocate*, 14 February 1918.

sight of God, and urged legislation against it.¹²⁷ A Pastoral Letter issued by the 1909 Assembly described contraception as racial suicide, a crime against humanity and God.¹²⁸

Hick's investigation into community attitudes to contraception in the early 1900s showed that almost without exception amongst the churches, there was severe condemnation.¹²⁹

As mentioned earlier, venereal disease was a major item on the agenda of the 'Strength of Empire Movement' along with temperance. In its view the two issues went together, but in practice its attention was directed mostly to the question of prohibition.

During 1917 and 1918, moves were made by a variety of groups in the community to promote sexual morality, some coming together to form the 'Council for Public Morality'. A public meeting was held on 24 April in the Albert Hall, followed by a two-day conference of delegates from various bodies, and the Governor chaired a larger rally on 1 July in the Exhibition Hall. Education in sexual ethics for young men and women was high on the agenda. Speakers were sent to various factories to address gatherings of young workers. A deputation waited on the Minister for Education with a request for a sex-education leaflet to be prepared and distributed to all school children in their thirteenth year. The Minister responded positively and promised to take action.¹³⁰

Donaldson made reference to the subject in his Synod Address in 1918:

Another phenomenon of the time which closely concerns the Church is the terrible development in war time of the sins of the flesh. ... sexual sin seems to possess fighting nations like a madness. The dreadful stories of the German army in the early days in France and Flanders are not, alas, without their counterpart in the stories we have heard from our own side in Egypt, France, and London; and the evil is not yet in hand.¹³¹

Compared with their concern for temperance issues, Presbyterians were less concerned with sexual vice. The Presbyterian Committee on Religion and Morals did give support to this aspect of the Strength of Empire Movement's program in 1920, however, and

¹²⁷ *Minutes of the General Assembly of the Presbyterian Church of Australia* (Sydney 1907), pp. 99 & 34.

¹²⁸ *Minutes of the General Assembly of the Presbyterian Church of Australia* (Sydney 1909), pp. lxxiv & 30-31.

¹²⁹ Neville Hicks, *'This Sin and Scandal': Australia's Population Debate 1891-1911* (Canberra, Australian National University Press, 1978), pp. 55-78. Hicks' investigation was limited primarily to New South Wales and Victoria, but so far as can be seen, his findings would be true of Queensland also. The exceptions were the Rev. W. W. Rutledge (Methodist) and Rev. Thomas Roseby (Congregational).

¹³⁰ *Chronicle*, 1 October 1915; 2 October 1916; 2 July 1917; 1 January 1918.

¹³¹ *Chronicle*, 1 July 1918.

the Assembly urged 'hearty co-operation' in the Movement's 'assault upon the sex evil'.¹³²

Sexual vice has been an ongoing concern for the churches, as it is for the state when it leads to public health problems, public disorder or social disruption. In general, the interests of the church and the state coincide in this area, but political considerations often limit what democratically elected governments are prepared to do to meet the urgings of church groups.

MARRIAGE AND DIVORCE

Queensland began its life as a separate colony with an inherited body of law relating to marriage and divorce, and little change was made in this area for many years, other than to permit the marriage of a man to a deceased wife's sister. That relaxation brought the law of the state into a degree of conflict with the laws of the Anglican church in respect to the 'Prohibited Degrees'. English law was likewise amended in 1907, prompting an article in the *Chronicle* on the subject, explaining the church's reasoning, based on the belief that when a man and a woman marry, they become one, and so the woman's closest relatives become the man's relatives — her sister becomes his sister (and not just at law), and consequently marriage can never be allowed between them. The 1890 Year Book of the diocese had stated,

the passing of an Act of Parliament does not justify [clergy] in any departure from the unchanged practice of the church— of marrying only according to the Table of Degrees set forth in the Prayer Book.¹³³

It was mainly in respect to divorce legislation that the church made its views clear to governments. Webber addressed the Synod on the issue in 1890, shortly after New South Wales had legislated to make divorce more readily available in that colony:

One of our southern colonies has received Imperial sanction to a piece of its legislation which cannot be regarded by Christian churchmen without serious apprehension: — I mean the increased facilities given for divorce. In the first place this legislation must be held to be in direct contravention of the plain teaching of Christ, ... The family is the true unit of society. ... It is the very microcosm of the Christian Church. What then will be the tendency of offering these facilities for divorce but the encouragement of ill-considered unions and the loosening of the framework of society. Habitual drunkenness, three years' desertion, seven years' imprisonment — these are serious conditions to attach to one of two partners for life, ... but surely the hardships themselves might be met by legislating for separation rather than for the dissolution of the marriage tie.¹³⁴

Webber went on to direct his clergy to obey the decision of the Lambeth Conference of

¹³² *Minutes of Proceedings of the General Assembly of the Presbyterian Church, State of Queensland* (Brisbane, 1920), p. 49.

¹³³ *Chronicle*, 1 October 1907.

¹³⁴ *Proceedings of Synod*, June 1890.

1888 in respect to the remarriage of divorced persons.

In November of 1900 a Labour member of parliament, Dunsford, featured as the co-respondent in a divorce case. The *Chronicle* called for his resignation forthwith:

We have always maintained that the first qualification of a candidate for the Legislature of Queensland should ... be ... that he is a man who does not set at naught those principles of social law upon which the well-being of a State ultimately depends.¹³⁵

Dunsford did not resign, nominated again for his seat in 1902, and was re-elected, but with a majority reduced from 600 to 100.

By the time of federation in 1901, New South Wales and Victoria had both passed laws providing for easier divorce, and it seemed logical to some for the Commonwealth parliament to legislate for the whole of Australia. Senator Dobson of New South Wales introduced a private member's Bill into the Senate, designed to bring all states into line with the more liberal attitude.

As would be expected, this was vigorously attacked by the churches in Queensland, especially the Anglican and Catholic churches. The Anglican Diocesan Council passed a resolution protesting against the move.¹³⁶ Webber was in England at the time, and so the *Chronicle* was forced to reprint part of his address to the 1890 Synod referred to above, along with an address by the bishop of Adelaide on the subject, plus other articles giving statistics relating to the state of affairs in other places having liberalised legislation. While prepared to acknowledge that uniformity was desirable, the editor protested,

why in common fairness should four States be called upon to sacrifice their standard of marriage rather than two States return to a higher conception of the responsibility of maintaining the social stability of the Australian people?¹³⁷

In November the *Chronicle* returned to the attack, printing in full the letter from Gilbert White to the Premier referred to above (See page 248). After quoting various statistics, White went on to say:

The Bill permits divorce with full freedom of re-marriage in case of drunkenness for three years, imprisonment for three years in the aggregate, repeated assaults for one year, habitual neglect of domestic duties for three years on the part of the wife and continuous desertion for three years on the part of the husband or wife. It is scarcely necessary to point out what extreme facilities are afforded to a man to free himself of his marital responsibilities, especially in a State where a man is often absent for years working on a goldfield, and where he will constantly find himself, without previous intention, in a position in which, by the proposed law, he will be able to put forth a legal plea for dissolution. A large door is also

¹³⁵ *Chronicle*, 1 December 1900.

¹³⁶ AA, *Minutes of Brisbane Diocesan Council*, 5 September 1901.

¹³⁷ *Chronicle*, 2 September and 1 October 1901.

opened for collusion under the safest and easiest conditions.

Philp was sufficiently persuaded by White's arguments to send the letter on to the Prime Minister, along with a protest from himself.¹³⁸ At the same time it was reported that the Prime Minister had informed the bishop of Adelaide that the Bill was not a government measure. The Rockhampton Synod in 1902 and the Brisbane Synod in 1903 passed resolutions against it.¹³⁹ The Presbyterian General Assembly of Australia meeting in September 1902 protested against the Bill, asking for a Royal Commission to investigate divorce legislation in all the states before proceeding further. The Assembly did see one positive feature in the Bill in that it placed men and women on an equal footing.¹⁴⁰ The Dobson Bill was eventually withdrawn.¹⁴¹

While the church generally stood firmly against divorce, except in the case of infidelity, there still remained the question of the remarriage of divorced persons, whether the divorce had been condoned by the church or not. The Lambeth Conference of 1908 decided by a narrow margin against such remarriage, and this rule was generally adhered to by Queensland Anglican leaders.¹⁴² However, an editorial in the *Chronicle* in February 1911 possibly showed a slight softening in this stance. Having pointed to possible differences of opinion in the interpretation of the words of Christ reported in the gospels, the editor said:

Whilst clinging to her sacramental view of Holy Matrimony the Church may yet recognise the right of the State to dissolve a marriage, considered simply as a civil contract, on proof of conjugal infidelity being furnished.

But to say this is not to admit that the marriage bond is absolutely dissoluble, and that the parties to a divorce suit should be treated as though the marriage had never been. ...

The further question of the status within the Church of persons remarried after divorce is a question of the Church's internal discipline, and each case must be dealt with on its merits. For our own part — and we speak, of course, only for ourselves — it would seem to be impossible to treat every case of remarriage after divorce as a case of 'open and notorious evil living', which in itself debars the parties from Communion. ...¹⁴³

Marriage and divorce law was inevitably an area where the legitimate concerns of the church and the state interacted. In the period under review, neither party was concerned to make any major change to what had been inherited from the past. Events showed that the Dobson Bill was before its time, it was too soon after federation, and

¹³⁸ *Chronicle*, 1 November 1901, pp. 50, 52-53.

¹³⁹ *Chronicle*, 1 August 1902 and *Proceedings of Synod*, June 1903.

¹⁴⁰ *Minutes of the General Assembly of the Presbyterian Church of Australia* (Sydney 1902), p. 35.

¹⁴¹ *Chronicle*, 1 January 1904.

¹⁴² K. Rayner, 'The History of the Church of England in Queensland' (PhD. thesis, University of Queensland), 1962, p. 419.

¹⁴³ *Chronicle*, 1 February, 1911.

the question of uniform legislation across the various states of Australia had to wait many decades before it could be implemented.

GAMBLING

Gambling did not become a matter of great concern in Queensland churches until the 1890s. In 1893 there was a deputation of Protestant ministers asking the government to tighten gambling laws.¹⁴⁴ The *Courier* pointed to the discriminatory nature of what was proposed and the latent hypocrisy involved.¹⁴⁵ The government passed the 'Suppression of Gambling Act' in 1895. Webber commented favourably on the Bill in his address to Synod in 1896, but at the same time pointed to other influences at work, namely, pressure from traders who preferred people to spend the money in their stores:

Perhaps the measure which drew to itself the largest share of the public interest was that which sought to prohibit certain methods of gambling, ... but while in many quarters the moral aspects of the question undoubtedly had weight, yet it would scarcely be cynical to express the opinion that trade interests had the preponderating voice in the matter. For all that we may be thankful that *the centre of moral disturbance has been made to disappear from our midst*. Nor am I less thankful that the operation of the Act is extended to lotteries for religious and charitable objects; for I altogether resent the suggestion that what is in itself indefensible loses its objectionable character when patronised and made use of by the Church ... There can be no doubt that in some parts of the colony gambling had reached such a pass that in the name of honesty, for the sake of social life, and the moral health of the rising generation something had to be done to check the evil.¹⁴⁶

Webber's sentiments on the question of church-run lotteries etc. was at odds with the Synod of 1870, which had refused to pass a motion seeking to remove such methods of raising money from the church, probably because at that early stage the diocese was too dependant on finance raised by those means.¹⁴⁷ In that Webber's statement implied that gambling as such is always indefensible, no matter how trivial, he would probably have not been supported by many of the Anglican laity.

Webber's approach was supported nine years later by the *Pastoral Letter from the Archbishops and Bishops to the Church of England in the Commonwealth of Australia* in 1905, which said,

... The association of betting and gambling with our sports and pastimes has now become a

¹⁴⁴ *Courier*, 5 August 1893.

¹⁴⁵ 'Our whole gambling law seems to be constructed on the principle of straining at the gnat and swallowing the camel. We run boys in for playing pitch and toss in a back street ... but our virtue collapses before the popular betting of thousands on the gamble of the racecourse ...'. *Courier*, 26 April 1894.

¹⁴⁶ *Proceedings of Synod*, June 1896. In 1893, George Adams, the promoter of large-scale sweepstakes, had moved his operations to Queensland from New South Wales, where they had become illegal. The 1895 legislation forced him to move his operation to Tasmania — hence Webber's comment regarding the 'centre of moral disturbance'.

¹⁴⁷ *Proceedings of Synod*, July 1870.

great and crying evil. We do not forget, and we deeply deplore, the evil of reckless financial speculation, but we address ourselves to the social side of the national life as the side more recently affected, and that from which we hope for the most immediate reform. ... we would direct attention to the obvious and undeniable fact that these practices have now grown to be a menace to the national character. ... And we further express our earnest hope that all who are concerned with Bazaars and Sales of Work will dissociate themselves from the use of raffles, lotteries, and games of chance, as ministering, however indirectly, to the evil which we seek to abate.¹⁴⁸

This could be interpreted to mean that it is because of the *scale* to which gambling had developed over the years that made it a matter of serious concern, rather than something which was intrinsically wrong.

A year later the Chronicle applauded the Courier which had supported anti-gambling legislation,¹⁴⁹ but after that the matter did not become a matter of great concern to Anglicans again until the end of the war. Likewise, the Catholic approach was to tolerate and use moderate forms of gambling to support their causes where necessary.

Gambling was regularly denounced by the Presbyterians, as for example in 1901, when the first General Assembly of the newly established Presbyterian Church of Australia petitioned the House of Representatives to suppress the Tattersall's lottery operating from Hobart, with tickets sold around Australia.¹⁵⁰ The matter was raised again in Queensland in 1911, when the Assembly recommended to its ministers that sermons should be preached urging 'Abstinence from all forms of Gambling'.¹⁵¹ In 1912 the recommendation was that advantage should be taken 'of the opportunities now enjoyed to regularly instruct our children attending the State schools on ... the evils of Gambling ...'. Approaches were made to the Premier and Home Secretary seeking the abolition of totalisators and bookmakers throughout the state.¹⁵²

Assembly denunciations were one thing. Practice within the parishes did not always match, leading to a resolution in 1914 disapproving 'of any infringement what ever of the Gaming Act, even though the infringement may have been sanctioned by the civil authority, and urges Ministers, office-bearers, and all Church workers to keep their hands absolutely clean in this matter'.¹⁵³ A heated debate occurred in the 1917

¹⁴⁸ *Chronicle*, 1 December 1905.

¹⁴⁹ *Chronicle*, 1 December 1906.

¹⁵⁰ *Minutes of the General Assembly of the Presbyterian Church of Australia* (Sydney 1901), pp. 34 & 42.

¹⁵¹ *Minutes of Proceedings of the General Assembly of the Presbyterian Church, State of Queensland* (Brisbane, 1911), p. 27.

¹⁵² *Minutes of Proceedings of the General Assembly of the Presbyterian Church, State of Queensland* (Brisbane, 1912), pp. 29 & 87.

¹⁵³ *Minutes of Proceedings of the General Assembly of the Presbyterian Church, State of Queensland* (Brisbane, 1914), p. 24.

Assembly, when it came to light that the Department of Justice had issued permits for gambling activities to three Presbyterian churches, out of a total of sixty-nine issued to the major denominations. It was resolved to enjoin '... all our congregations to obey the law of the Church' and to inform the Justice Department of that fact and ask that no further permits be granted to any Presbyterian.¹⁵⁴

INDUSTRIAL RELATIONS

A major issue which confronted all the churches in Queensland from the late nineteenth century onwards was the question of capital and labour, focussed as it was in the doctrine of socialism. To what extent was this political/economic theory compatible with Christianity? The question assumed greater importance because of the sociological pattern where much of the Catholic population made up the ranks of the poor, while the middle and upper classes tended to be Protestants. In 1885 Dunne stated to Moran, the newly arrived archbishop of Sydney, that Catholics were, on a proportionate basis, declining in numbers and also in terms of their position on the social scale, tending towards being unskilled workers and labourers.¹⁵⁵ Throughout his episcopate, Dunne encouraged Catholics to settle on the land and become independent. 'Proprietorship was at the heart of Dunne's social philosophy'.¹⁵⁶

Socialism — The Catholic Response

In responding to socialism, Australian Catholics at first followed the examples of their brethren in Europe. In 1879 the Brisbane *Australian* published Cardinal Manning's Lenten Pastoral, in which he stated, 'Socialism, the human parody of society which God has created, threatens the subversion of every Christian State'.¹⁵⁷ More importantly, following earlier condemnations of socialism from 1878 onwards, Leo XIII's *Rerum Novarum* in 1893 applied traditional Catholic teaching to industrial relations. From a starting point of the family as society's basic unit, he argued that every human being had the right to private property, which led to an uncompromising condemnation of socialism. By 1895 Dunne was so disturbed by the socialist threat to property that he considered transferring investments to Ireland.¹⁵⁸

¹⁵⁴ *Minutes of Proceedings of the General Assembly of the Presbyterian Church, State of Queensland* (Brisbane, 1917), pp. 23 & 73.

¹⁵⁵ P. O'Farrell, *The Catholic Church and Community: An Australian History*, (Sydney, 1985), pp. 280-281.

¹⁵⁶ Neil J. Byrne, *Robert Dunne: 1830-1917: Archbishop of Brisbane* (St. Lucia, 1991). pp. 79-80, 209-211.

¹⁵⁷ *Brisbane Australian*, 10 May 1879.

¹⁵⁸ O'Farrell, *ibid.*, p. 289; Byrne, *ibid.*, p. 196. Byrne's reference is to 'Dunne to J. Moore', 24 July 1895.

At the same time the pope showed himself sympathetic to the needs of the working class. He affirmed the right of working people to combine in unions for their achieving of justice in working conditions — embodied in the concept of a ‘just wage’. That was defined as ‘enough to support the wage-earner in reasonable and frugal comfort’.¹⁵⁹

That sympathy for the workers continued to be shown in many pronouncements and articles which appeared in the Catholic press. In 1899 the *Brisbane Age* carried a report of an address given by a Jesuit priest, Rickaby, in Cambridge on the ‘just wage’ or ‘living wage’ as he called it: ‘A man must live; this man can only live by the wages of his work: therefore whoever hires all his labour and working power must pay him wages enough to live upon’. Rickaby pointed out that Aristotle had taught that no man had a moral right to keep more slaves than he could feed. The paper commented that ‘this is a conception of duty which never enters the minds of some employers’.¹⁶⁰

In 1917 the *Catholic Advocate* printed a long front-page article on the same subject by ‘C. J. C.’, who pointed out that for five hundred years up to 1813, the wages of unskilled workers were regulated by the ‘Statute of Labourers’ and by the various trade guilds. This was the result of Christian influence, both the Fathers of the early church and the medieval theologians having ‘taught explicitly that every human being had a natural right to a livelihood from the common bounty of nature. In their doctrine of a just price they implicitly taught that the labourer should receive just wages’. The writer rejected the claims of some economists that the standard for fixing wages cannot be made an ethical one. The ‘living wage’ must not be based on what is required for mere animal subsistence, but sufficient for the preservation of human dignity.¹⁶¹

In 1879 the *Australian* had called on the government to give relief to working men in bad times. In 1889 the same paper featured an article which supported the position of trade unions, while deploring a strike by printing unions then in progress. Later that year an article reported Cardinal Manning’s support for a strike on the London docks.¹⁶²

That sympathy with the working population continued into the twentieth century. It led many of the Catholic laity to support and often join the growing Labor Party — to the disquiet at times of some of the hierarchy, on account of Labour’s adoption of what was generally considered a socialist platform. Without actually using the term

¹⁵⁹ *Rerum Novarum*, 15 May 1891.

¹⁶⁰ *Brisbane Age*, 15 April 1899.

¹⁶¹ *Catholic Advocate*, 13 December 1917.

¹⁶² *Brisbane Australian*, 7 June 1879, 20 April and 26 October 1889.

‘socialism’, the Australian Labor Federation stated its platform in Queensland in 1890 as the nationalisation of all sources of wealth and all means of producing and exchanging wealth; the conducting by the State authority of all production and all exchange; and the just division among all the citizens of the State of all wealth production, less only that part retained for public and common requirements. It was not until the more radical years following the war that the Labor Party added an explicit reference to socialism to its platform in 1919 and 1921.¹⁶³

However, it had been noted by a number of observers that Australian socialism was different from its continental counterpart. A French observer at the turn of the century described it as ‘socialism without dogma’, and pointed to a basic conservatism among the Australian working population:

The Australasian worker has become a ‘gentleman’. He dresses himself after his work, he is housed, and he behaves like a person of good society. If he has to attend a meeting, he will appear clean, freshly shaved, will be careful of his behaviour ... More and more one can observe the external difference between the worker and the bourgeois diminishing except during working hours ... he manifests a most unequivocal attachment to the monarchy, and the deepest reverence for the sovereign and the royal family. At trade union banquets the toast of the Queen or the King is proposed before all the others. ...

Religion and religious forms are the object of even greater veneration Many supporters of the ‘Labour Policy’ say grace before every meal, go to church on Sundays and strictly observe the Sabbath as a day of rest. They would not tolerate the principles of Christianity to be questioned.¹⁶⁴

Another writer observed, ‘Australian socialism is distinguished from Continental socialism by the same features that distinguish the Magna Charta [sic] and the Bill of Rights from the crystallisations of political theory in the documents of the French Revolution’. In 1905 Cardinal Moran denied that the Australian Labor Party was socialist in the sense which had been condemned — it was only a name — and in this he was supported by the Plenary Council of Australian Bishops of that year.¹⁶⁵

In spite of the clear differences indicated, some prominent Catholics remained unconvinced. During the time of Ryan’s labour government, it led to a vigorous exchange of letters in the *Catholic Advocate* in 1917 between ‘A Catholic Labour Man’ and Fr. A. Clarke of Helidon. Clarke argued that ‘A Catholic cannot call himself a

¹⁶³ Brian McKinlay, *Australian Labor History in Documents*, vol. II (Melbourne, 1990), pp. 8 and 71.

¹⁶⁴ A. Metin, *Les Socialism sans Doctrines*, trans. and quoted by C. M. H. Clark, *Select Documents in Australian History, 1851-1900*, (Sydney, 1955), pp. 676-677.

¹⁶⁵ V. S. Clark, *The Labor Movement in Australasia* (London, 1907), p. 9, quoted in Brian McKinlay, *Australian Labor History in Documents*, vol. II (Melbourne, 1990), p. 23; P. O’Farrell (ed.) *Documents in Australian Catholic History, Vol. II: 1884-1968* (London, 1969), p. 160-4. See Bruce Duncan, *The Church’s Social Teaching: From Rerum Novarum to 1931* (North Blackburn, Collins Dove, 1991), pp. 178-79, for Moran’s statement.

Freemason because the Holy See has condemned Freemasonry; neither can he call himself a Socialist, because the Holy See has condemned Socialism'. The 'Catholic Labour Man' correctly pointed out that Leo had distinguished between different types of socialism, and that Manning in England had identified what he called 'nominal socialism' which did not conflict with Leo's encyclical.

What, then, are the arguments against the Australian Labour Party from a Catholic point of view at the present day? ... guidance and sympathetic warnings should be a better help to keep Labour politics on a sane, Christian line than sledge-hammer denunciations, destructive criticisms, and fire-brand utterances, devoid of clear reasoning and human sympathy.¹⁶⁶

Duhig was sympathetic to the expectations and hopes of the working classes, but he was concerned that they were pressing their claims too hard at times. When opening a convent at Helidon in 1916, after praising the efforts of the tradesmen and artisans responsible for its erection, he hoped 'they would modify their demands for higher wages in these times of stress'.¹⁶⁷ He again took up the issue of capital, labour and the class war in his Lenten Pastoral of 1918:

The Church in our day, more than ever before, is called upon to address itself to another national evil, namely, the class war between Labour and Capital. It is a stern, bitter and widespread struggle.

The old friendly relationship between master and employee ... is fast disappearing, and its place being taken by mutual distrust and suspicion.

After pointing out that labour had genuine grievances against capital, he sounded a similar warning to what he had said at Helidon:

... hasty reformers, encouraged by continual betterment of conditions, are too apt to press their demands in directions and to an extent neither wise nor reasonable, thus jeopardising the true interests of a great democratic movement, which, so long as it remains sound and constitutional in principle and Christian in its ideals, must command the goodwill of all right thinking men.

Duhig's Pastoral had much to say which was reminiscent of Dunne's hope for building up a strong Catholic base of self-sufficient families working the land. 'Industrially Australia's great need is the development of her primary resources'. He lamented the fact that 'Probably three-fourths of the people of Australia inhabit the towns and cities', and the constant drift to the cities: 'The objectives of most youths is a town billet'. He laid much of the blame for this on the educational system:

It is to be regretted that schools are annually turning out battalions of clerks and untrained youths to swell the army of employees, who are for the most part, destined to be all their lives dependent on the pleasure and goodwill of an employer, instead of preparing them to launch out and shape their own fortunes. ...

¹⁶⁶ *Catholic Advocate*, 1, 8, 15, and 22 November 1917.

¹⁶⁷ *Courier*, 22 May 1916.

The dignity of labour is not a gospel of practical belief with the younger generation. They want the ready position and the regular salary ...

A primary object of any educational institution should be to inculcate in the pupils [a] love of industry and honest work. In the medieval Church the working men's guilds flourished abundantly, and no effort was spared to impress craftsmen and tradesmen with the dignity and sacredness of honesty. ... The guilds differed from our modern labour unions, in as much as they included not only the workers, but also the employers. The one and the other lived and acted under approved rules, which though severe in Christian simplicity, were insisted on and fulfilled with an exactness that called for the practice of exalted virtue.

It should be the desire of every true Christian citizen to see a revival of this one-time happy relationship between the two great classes that carry on the world's work.¹⁶⁸

Duhig was probably unrealistic in his longing for a large number of self-sufficient family farms taking up the open spaces throughout Australia. He did not foresee that the trend would be towards very large and far fewer holdings. He was also trying in his Pastoral to avoid appearing to favour labour as against capital, but in doing so he gave opportunity to some to interpret his letter as a criticism of the Labour government. In March the *Advocate's* editor complained that some 'had foolishly attempted to twist and distort the recent Pastoral Letter ... into a condemnation of the Ryan Government'.¹⁶⁹

The *Advocate* was not under the same constraints as was Duhig to give the impression of impartiality, and openly supported the Labour administration's policies. The church and the labouring classes featured prominently again in August, with the front page given to a lengthy article by the American Jesuit, J. Husslein, S.J.,¹⁷⁰ on 'The State and Labour'. Husslein argued that the church had the right to call on the state to protect the working man from unrestrained capitalism:

Religion has ever been the main defence of the working man. ... The history of Labour in the ancient pagan world is mainly the history of slavery, and slaves were the merest chattel in the eyes of the pagan State. ... The same conditions returned when Christianity was swept away by the barbarian hordes ...

The labourer, as viewed by the Church, is an integral part of the living organism of society. He has therefore social rights that must be protected and defended by the State. ...

'In all well-constituted States,' says the great Pope of the working men, 'it is a matter of no slight importance to provide those bodily and external commodities the use of which is necessary to virtuous action.' (Leo XIII, *The Condition of Labour*)

[It] is the right and duty of the Church to insist that the State shall faithfully discharge its duties towards the labouring man and the poor. Catholics may not be indifferent to the social question, nor may priests and bishops ignore it. ...

¹⁶⁸ *Catholic Advocate*, 14 February 1918.

¹⁶⁹ *Catholic Advocate*, 14 March 1918.

¹⁷⁰ Husslein, born 1873, died 1952, wrote extensively on these issues in the period between the wars. See Ursula M. L. Bygott, *With Pen and Tongue: the Jesuits in Australia 1865-1939* (Melbourne, 1980), pp. 211 & 213.

No defence can be offered for the post-Reformation principle of 'laissez faire', or non-interference on the part of the State. ... It was the theory under which the demoralising form of uncontrolled capitalism came into existence and grew into a menace to civilisation.

Husslein argued further that the extremes of capitalism as espoused by Protestant economists were the cause of the reaction which manifested itself in the more extreme forms of socialism and radicalism on the continent.¹⁷¹

Socialism — The Protestant Response

Anglican clergy responded differently to socialism, being deeply influenced by the 'Christian Socialists' of the mid-nineteenth century, who were associated in the main with the Anglican church in England. The three leaders of the movement initially were F. D. Maurice (1805-1872), born into a Unitarian family but later converted to Anglicanism and ordained in 1834; Charles Kingsley (1819-1875), ordained in 1842; and John Ludlow (1821-1911), an Anglican lawyer. The group was not aiming at anything resembling a revolutionary overthrow of the existing order, but events on the continent and the collapse of the Chartist movement in 1848 persuaded them that the new socialist theories could be christianised, with no conflict between socialism as a theory and the ideals of Christianity. They were 'anti-Capitalist, but their hostility to Capitalism lies open to the objection that it was doctrinaire, in that they held that co-operation, not competition, was the natural state for the Christian'. Their immediate aim was to establish small co-operatives of workers, and had a limited success in this in the London area. Possibly their main contribution was in securing the passing of an Act to give legal security to such co-operatives.¹⁷²

While Christian socialism did not gain general acceptance within the Anglican church, either in England or abroad, their views did have influence. As the Anglican church, under the impetus of the Tractarian emphases, moved more into caring for the underprivileged populations in London and elsewhere, the impact of their teachings increased. Mayor judges that by the 1890s a large proportion of Anglican clergy had been converted, 'if not to Christian Socialism, at least to a lively concern with social matters'.¹⁷³ The movement's influence was apparent in the Lambeth Conferences. The 1888 Conference's Encyclical called on the clergy to show that 'much of what is good and true in Socialism is to be found in the precepts of Christ'.¹⁷⁴ Ludlow is

¹⁷¹ *Catholic Advocate*, 1 August 1918.

¹⁷² Stephen Mayor, *The Churches and the Labour Movement* (London, 1967), pp. 167-9.

¹⁷³ *ibid.*, p. 196.

¹⁷⁴ *ibid.*, p. 199. At the same time the bishops sought to rule out any alliance with atheistic socialists. See K. S. Inglis, *Churches and the Working Classes in Victorian England* (London, 1963), p. 283.

reported to have told the Lambeth Conference in 1908 that Christian Socialism was the faith of all present!¹⁷⁵

Their views were taken up in the latter part of the century by prominent leaders such as Charles Gore (1853-1932), Bishop of Oxford from 1911, and Henry Scott Holland (1847-1918), closely identified with the Christian Social Union which sought to apply Christian teachings to the social and economic problems of the day. Brooke Foss Westcott (1825-1901), the Bishop of Durham, was also active in the movement. These and other leading figures had ties with the Society for the Propagation of the Gospel (SPG), which was responsible for sending many clergy to the colonies.¹⁷⁶

Most of the Anglican clergy in Queensland in the nineteenth century were from England, many sponsored by the SPG. They had been educated in circles where the precepts of Christian socialism, the literature and teachings of the movement, were commonplace, even if not always accepted.¹⁷⁷ It is not surprising, therefore, that the Anglican church in Queensland responded differently from the Catholic bishops to socialist teachings and the industrial unrest in the 1890s.

An official Presbyterian response to socialism in the 1890s was slow in coming, to such an extent that the *Courier* in 1891 criticised that church for having failed to make a pronouncement on the subject.¹⁷⁸ Rayner is probably correct in arguing, from the Presbyterian church's silence, that it did not see anything morally wrong in socialism as such, otherwise it would have said so.¹⁷⁹ Three years later, a Presbyterian Moderator, R. Kerr, did address the subject, referring to an 'anti-Christian socialism' which set out to be a religion, and a 'Christian socialism' which would embody Christian principles.¹⁸⁰ One Presbyterian minister, J. S. Pollock, after thirty-five years a minister and a past-Moderator, resigned from the church in 1912 following the tramway strike, after declaring himself a socialist. With help from John Adamson, himself once a Methodist minister but then a member of parliament (see previous

¹⁷⁵ K. S. Inglis, *Churches and the Working Classes in Victorian England* (London, 1963), p. 262.

¹⁷⁶ Stephen Mayor, *The Churches and the Labour Movement* (London, 1967), pp. 196-203.

¹⁷⁷ Commenting on the degree of acceptance of the Christian Socialists' teachings within the Anglican community, Inglis wrote: 'Among the clergy at large were many who, thinking social arrangements tolerably just or not thinking about them at all, ignored the publications of the Christian Social Union ... Among the laity there was proportionately less ardour for social reform. ... The radicals were a not ineffective vanguard of the Church; *but they had not yet carried with them the average vicar, and still less the average worshipper*'. K. S. Inglis, *ibid.*, p. 287 (emphasis added).

¹⁷⁸ *Courier*, 18 July 1891.

¹⁷⁹ K. Rayner, 'Attitudes and Influences of the Churches in Queensland on Matters of Social and Political Importance. 1859-1914' (B.A. thesis, University of Queensland, 1951), pp. 172-3.

¹⁸⁰ *Courier*, 2 May 1894.

chapter, page 206), Pollock tried unsuccessfully to establish a Socialist Brotherhood.¹⁸¹

Industrial Unrest

Unions existed in Queensland from 1858, but were not legalised until 1886.¹⁸² The first known occasion when the church in Queensland became directly involved in the concerns of the working class was in 1866. Unemployment was rife in Ipswich and other towns, and when a large group of labourers marched to Brisbane to protest to the government, Bishop Quinn intervened and persuaded them to accept a government offer of transport to Rockhampton where work was available.¹⁸³

Another issue was the question of working hours for shop assistants. In 1883 Hale wrote to the *Courier* in support of the move for shops to close earlier on Saturdays. Similar support was given by Anglican, Presbyterian, and Congregational representatives at a public meeting on the same issue, arguing that such a reform would benefit the whole community.¹⁸⁴ In 1889 the Catholic *Australian* also gave its support.¹⁸⁵

Major industrial unrest arose in 1890, ushering in a period of upheaval which led to the formation of the Labor Party. Individual Presbyterian and other non-conformist clergy supported the emerging labour movement, but they were often mistrusted by the unions. G. D. Buchanan, minister of a city Presbyterian church and Moderator in 1894, declared, 'Through education labour has become discontented. Of this we should be glad, as it indicates a better state of things for the toiling millions'. At the same time he warned of the danger of violence.¹⁸⁶

The Anglican reaction to the Maritime strike which began in August 1890 was very muted, at least at the official level. Rayner's comment on the initial silence as a 'negative' reaction seems unnecessarily severe.¹⁸⁷ More probably the official silence simply indicates that the events took the church by surprise. Be that as it may, the

¹⁸¹ R. Bardon, *The Centenary History of the Presbyterian Church of Queensland* (Brisbane, 1949), pp. 170-1, 275. Bardon mistakenly describes Adamson as a Cabinet Minister in 1912. He did not achieve that office until the Labor Party victory in the 1915 election.

¹⁸² D. J. Murphy, 'Trade Unions', in *The Big Strikes: Queensland 1889-1965*, ed. by D. J. Murphy (St. Lucia, Queensland University Press, 1983), p.33.

¹⁸³ *Courier*, 10 & 11 September, 1866.

¹⁸⁴ *Courier*, 12 & 13 February 1883.

¹⁸⁵ *Brisbane Australian*, 13 April 1889.

¹⁸⁶ See Ronald Lawson, *Brisbane in the 1890s: A Study of an Australian Urban Society* (Brisbane, University of Queensland Press, 1973), p. 296; *Worker*, 1 July, 1 October 1890; *Courier*, 26 August 1890.

¹⁸⁷ K. Rayner, 'The History of the Church of England in Queensland' (PhD. thesis, University of Queensland, 1962), p. 408.

public impression created by the silence was made worse by an incident at Goondi in North Queensland. The bishop of North Queensland, G. H. Stanton, was travelling to Townsville by steamer, and helped non-union labourers load some sugar. Rayner explains this as done simply in order to speed up departure from the strike-bound port,¹⁸⁸ but it was reported in union circles and interpreted there quite differently. The incident earned a mention and a rather back-handed compliment for Stanton in the 1890 *Official Report and Balance Sheet of the New South Wales Labor Defence Committee*. At least they saw him as a 'man', a worthy opponent:

The clergy left [public opinion] to grope amidst the gloom of sacerdotal clap-trap. ... [they] were afraid to speak out. Their office-bearers, the men upon whom they chiefly rely for pecuniary support ... were arrayed against us, often our bitterest opponents. ... So the clergy in their weakness took a middle course ... We recognise the stamp of a man in the Queensland Bishop, who worked on the wharves with the blacklegs, but ... the clergy as a body, through their want of straightforwardness during the strike, have done much to lose their opportunities of well-doing among the workers of Australia. Our respect is due, however, to the Queensland Bishop for his manly opposition, our sincerest gratitude to Cardinal Moran, the Rev. Dr. Roseby, the Rev. H. L. Jackson, the Rev. George Walters and a few other clergymen for their Christ-like sympathy with the ... masses.¹⁸⁹

The Maritime strike ended late in October, to be followed in January 1891 by the Shearers' strike, which aroused great bitterness and lasted until June of that year. Webber tried to remedy the situation when he addressed the Brisbane Synod that month, by devoting a considerable part of his address to Labour questions. He questioned whether the strike-leaders were aware of the implications of their actions for personal liberty:

I do not say that the movers in this strike deliberately and in terms threaten the principle of liberty or set themselves in terms to change 'liberty to combine' into 'liberty to coerce' — or, in plain language, liberty to deprive other men of their liberty. ... Certainly, those who are the leaders in this matter should strive to make it abundantly clear that they are not themselves seeking to violate a vital principle, and that 'moral suasion' and 'coercion' are not, with them, convertible terms: and, if it should be that they are committing themselves to a policy contradictory of the principle of liberty, then let it be clearly understood that, whoever they be that run counter to the principles of just liberty — be they for the moment representatives of Capital or Labour — are, in the long run, foes to the cause they are seeking to further, inasmuch as they are violating a Divine law, vital to the structure of human society — a very condition of the progress of mankind.

Webber proceeded to make reference to recent industrial history in England to raise the question of what was involved when trade unions attempted to coerce membership:

The new propaganda is the outcome not of Christian Socialism but of a Socialism which says in effect 'Give us the perfect circumstances and we will give you the perfect man.' Doubtless environment has more to say to the moulding of men than we have, in past days, been prone to admit; ... [but] It is here that we ... have to meet the shallow Socialist, and tell him that

¹⁸⁸ K. Rayner, 'The History of the Church of England in Queensland' (PhD. thesis, University of Queensland, 1962), p. 408, footnote.

¹⁸⁹ Quoted in C. M. H. Clark, *Select Documents in Australian History, 1851-1900*, (Sydney, 1955), p. 775. Roseby was a Congregationalist, Jackson and Walters were Methodists.

his remedies for the social woes of mankind will be about as effective as the application of an external embrocation to a patient who is really suffering from a fever. ...

But ... let it not be supposed that we acquiesce in the present social state, or that we can rest contented with the present relation between Capital and Labour, ... We are somewhat worse off ... in this particular, than were our ancestors under the old feudal system; impersonal Capital takes the place of the old feudal lord, but, unlike the feudal lord, ... modern Capital gives itself little or no concern for the moral well-being of the labour which it employs. ... [I] ask, what proportion of the profits has Capital spent on provision for the moral and social well-being of its Labour, ... And if this question cannot be answered satisfactorily, then Capital has no right to visit on Labour all the blame of the present disturbed relations. ...

Here then, is the natural field for the work of the great Society — the Church — the greatest of all Labour Unions ...¹⁹⁰

Webber was keenly aware of injustices which had been perpetrated against the strikers and other workers, and this reflected his background amongst the Christian socialists in England. But he was concerned lest the methods adopted to right the wrongs would produce a greater wrong — the loss of liberty.

Writing from Rockhampton the following year, Nathaniel Dawes, the Bishop-Coadjutor, made some further comments on the situation:

[The] disastrous Labour strike in the Central District has terminated, but, alas! not without leaving behind it a plentiful crop of evils. ... Beyond, however, all the material loss and much hardship occasioned by the shearers' strike, there are ... far greater evils that have resulted from it. ... the fact is unhappily too manifest, that the wage-earner has been taught to regard the wage-payer as his natural enemy. The creed has been burnt into his soul that, however just and considerate an employer may be, he is, by the nature of the case, the agent of an unjust and oppressive system by which the labourer is defrauded of his rights and deprived of his just share in the proceeds of industry. ... It is ... a 'first charge,' so to speak, upon the available resources of the Catholic Church to promote goodwill between man and man.

Dawes went on to lament the absence of the church from the outback areas where the shearers were normally located. He described the *bona fide* bush workers as people of excellent qualities, but left by the church as prey to professional mischief-makers, the 'Bedouins of the bush':

With shame be it confessed, it is where Christian enterprise has done almost nothing to win and elevate the people. If it were the heart of Africa or China, missionary zeal would long since have sent out from England some of her best sons ... But, because they are white people of our own kith and kin, the work seems to possess less romance, and therefore, less attractiveness.¹⁹¹

In the midst of the shearers' strike in 1891, the Presbyterian Federal Assembly, meeting in Brisbane in July, urged employers to adopt profit sharing. The colonial governments should set up Boards of Conciliation to avoid 'recourse to the methods of

¹⁹⁰ *Proceedings of Synod*, June 1891.

¹⁹¹ Dawes to Webber, 9 April, 1892, referred to in *Proceedings of Synod*, June 1892.

strikes and lock-outs'.¹⁹² The Assembly of the Baptist Association supported a similar proposal, and later petitioned parliament on the issue.¹⁹³

In his address to the 1893 Synod, Webber took the opportunity to welcome the increased Labour representation in parliament after the election that year.¹⁹⁴ The success of Labour at the ballot box was in contrast to the decline in union membership as a result of the government's suppression of strikers between 1890 and 1893.¹⁹⁵ In welcoming the increased representation in parliament, Webber was true to the principles he had enunciated in 1891 — reform of labour conditions through parliamentary processes would not endanger basic liberties. He risked the displeasure of Griffith and his government, and no doubt of many Anglican laymen.

It is clear from these references that the leaders of the churches in Queensland were well disposed to the emerging Labour movement and the genuine aspirations of the workers, even if many lay people did not support them fully. The parish clergy were more hesitant, and there was probably a lot of truth in the complaint of the union leaders referred to above (page).

In the next year or so there was a thaw in the attitude of the unions towards the churches, probably in response to statements such as Webber's. In July 1894 an Anglican clergyman was invited to address union leaders at the Trades Hall.¹⁹⁶ In November the *Worker* acknowledged what seemed to them as a new approach by the churches.¹⁹⁷ Shortly afterwards, following a paper on industrial matters by one of its number, the Anglican Clerical Society sent a deputation of clergy to see the editor of the *Worker* to arrange for a conference on industrial relations. He in turn attended a meeting of the Anglican Clerical Society for the purpose, leading the editor of the *Chronicle* to hope for 'a better mutual understanding between the Clergy and the leaders of Labour'.¹⁹⁸

Webber did sound a cautionary note in his address to Synod in 1899. Socialism could possibly lead to laziness and undue dependence of people on the state, discouraging 'individual effort, individual enterprise, and individual liberality in public schemes', but

¹⁹² *Moreton Bay Courier*, 16 July 1891.

¹⁹³ *Moreton Bay Courier*, 22 October 1891; *Votes and Proceedings*, 1894, vol. I, p. 465.

¹⁹⁴ *Proceedings of Synod*, June 1893.

¹⁹⁵ R. Fitzgerald, *From the Dreaming to 1915: A History of Queensland*, (Brisbane, 1982), p. 324.

¹⁹⁶ *Courier*, 11 July 1894.

¹⁹⁷ *Worker*, 3 November 1894.

¹⁹⁸ *Chronicle*, 1 December 1894 and 1 April 1895.

this did not indicate a change in his basic sympathy.¹⁹⁹

The Anglican Archbishops and bishops of Australia issued a pastoral letter in 1905, which in part dealt with socialism:

In its proper sense we believe it [socialism] to be in no way hostile to, but rather consonant with, the altruism ... which is taught by our Lord as an element of the Christian character. ... The political danger of the future lies ... in the class prejudice and mistrust which divide the community and confuse the real questions at issue. We are members one of another: our ultimate object is not a party victory, or the triumph of a class, but the promotion of the Common Good.²⁰⁰

At the same time it must be noted that the churches feared the anti-church stance taken by some in the labour movement. The Methodist Conference in 1908 commented,

It is a matter for extreme regret that one such movement should, during the past year, have assumed in the persons of some of its most conspicuous leaders an attitude of undisguised antagonism ...²⁰¹

Another serious upheaval came in 1911, with a strike by sugar workers, which was successful in winning a reduction in working hours from sixty-eight to sixty, and an increase in wages. There does not appear to have been any official church comment on that incident, but early in 1912 came the tram strike which escalated into a general strike. Brisbane was largely paralysed. While the church leaders were generally sympathetic to the complaints of the strikers, the strike itself was commonly condemned as inflicting undeserved hardship on the community.

W. F. Finlayson, a Labor member of the federal parliament, asked Donaldson and W. F. Rowe, a Methodist minister, to try to arrange a conference of all parties involved. The conference proved abortive because the manager of the tramway company, with a reputation for being strongly anti-union, refused to attend.²⁰² A meeting of clergy of all the Protestant denominations elected a committee, including Donaldson and Rowe, to meet every morning to see if anything could be done to help arrive at a settlement.²⁰³

On 4 February 1912 Donaldson preached a sermon before the civic leaders of Brisbane, in which he clearly declared his own attitude — the Christian teachings were meant to be applied to the contemporary world with its problems:

... You know how often it is alleged that Christianity concerns only the life to come and

¹⁹⁹ *Proceedings of Synod*, June 1899.

²⁰⁰ *Pastoral Letter of the Australian Bishops*, 1905.

²⁰¹ *Minutes of Annual Conference (Methodist)(Qld.)*, 1908.

²⁰² R. Fitzgerald, *From the Dreaming to 1915: A history of Queensland* (St. Lucia 1982), p. 331; A. A. Morrison, 'The Brisbane General Strike of 1912', *Historical Studies, Australia and New Zealand* 4.14 (May, 1950), pp. 138-39.

²⁰³ *Courier*, 7 February 1912.

ignores the conditions here, and you know too that this allegation is utterly false. ... nothing is clearer than our Lord's call to us to establish His kingdom on earth, ...

Donaldson made two appeals to his audience:

First and before all else at this crisis law and order must be maintained. This is not merely a political but a Christian duty, ... Do not mistake me. I am not saying that revolution is never justified, ... There is no question as to the sincerity with which the strike leaders have directed their men to keep the peace. ...

His second appeal was more significant. He called for the city's leaders to be sensitive to the spiritual dimensions in situations where people were struggling for justice, and not to be content with superficial judgements:

... It is our duty as Christians to recognise the inward spiritual significance of the Labour movement:

(a) This strike in Brisbane is no isolated affair. It is part of a vast movement throbbing strongly through the civilised world. ... [Our] duty as Christians is to get below the external phenomena, which repel us, and to discern and welcome the spiritual motive, the passionate hunger for better human conditions, ... It is not the whole gospel, but it is part of the gospel, ...

(b) Nor must we be surprised if in applying this ideal in their own case, men are not content with the vast improvements in their social condition, but are ever pressing for more. ... [But] beyond question, there is an element in the unrest, which is neither sordid nor avaricious, which does not really concern material things at all. Education has enlightened men's eyes, ... [and] once men have looked into the realms of glory, they will reach out and strive to enter ...

So the Labour movement, in its widest sense, has a claim upon us, ... The ideal of the Labour movement is a new earth, and this is, or ought to be part of the ideal of every Christian man. But when we come to the *methods* by which the ideal is to be attained, there is room for divided opinion.²⁰⁴

Donaldson's recognition of a non-material, spiritual dimension in the labour movement was not new — the Christian socialists in England had recognised it long before — though it may have been new to many in his Brisbane audience in 1912. Some unionists also saw a religious dimension in the labour movement. The *Worker* in 1891 had described unionism in similar terms, '... it is a Religion in itself if we but understand it rightly, and we are understanding it more and more every day'. The French observer, Metin, noted the religious concerns of Australian unionists (see below).²⁰⁵

Donaldson then appealed to the civic leaders:

What then can we do? ... First can we not lift our thoughts altogether above the mere

²⁰⁴ *Chronicle*, 1 March 1912. Report of sermon preached before the Mayor and Corporation of Brisbane.

²⁰⁵ *Worker*, 13 June 1891; A. Metin, *Les Socialism sans Doctrines*, trans. and quoted by C. M. H. Clark, *Select Documents in Australian History, 1851-1900*, (Sydney, 1955), pp. 676-677.

economic aspects of the case and recognise the high ideals and conscientious convictions on both sides. ...

Here then is my appeal. We cannot at this moment put an end to the struggle, but the character and spirit of the struggle is to some degree in our hands. ... Is it not possible for the Christian sense of the community to embrace and overwhelm the combatants ...?206

With hindsight, Donaldson's appeal may seem hopelessly idealistic, but in the course of his sermon he had made some important points, in particular his emphasis upon the fact that unionists were not devoid of higher yearnings. That had been commented on at some length by Metin at the turn of the century, who had also pointed to a basic conservatism among the Australian working population:

The Australasian worker has become a 'gentleman'. ... [He] manifests a most unequivocal attachment to the monarchy, and the deepest reverence for the sovereign and the royal family. At trade union banquets the toast of the Queen or the King is proposed before all the others. ...

Religion and religious forms are the object of even greater veneration, if that is possible. Many supporters of the 'Labour Policy' say grace before every meal, go to church on Sundays and strictly observe the Sabbath as a day of rest. They would not tolerate the principles of Christianity to be questioned. In conversation they consider themselves to be under an obligation to observe a puritanical reserve, avoiding certain subjects and replacing certain words by paraphrases. ...

Many Australian workers support the temperance movement, British style, that is to say, they wish to prohibit the sale and manufacture of all fermented beverages.²⁰⁷

At the same time it must be noted that marxist thought was beginning to penetrate the Labour movement in Australia, giving it an anti-religious, anti-church, anti-clerical strain of thought which became more evident as the years passed, causing considerable misgivings in the church. There is a sense in which marxism itself can be regarded as a quasi-religion. In place of a transcendental god, the historical process is seen as the ultimate power to which must be given unswerving allegiance.

The church rejected such views outright. While at that stage marxism had few committed followers in this country, it helped make many Christians suspicious of the labour movement as a whole. Especially repugnant to the church was the concept of the *inevitable* class war which must at times become violent. Another question which had serious doctrinal implications for Christians had been referred to by Webber in his address in 1891, namely, the degree to which man is shaped by his environment. While admitting the strong influence of environmental factors, Webber was not prepared to say that simply changing the environment would put human affairs right —

206 *Chronicle*, 1 March 1912. Report of sermon preached before the Mayor and Corporation of Brisbane.

207 A. Metin, *Les Socialism sans Doctrines*, trans. and quoted by C. M. H. Clark, *Select Documents in Australian History, 1851-1900*, (Sydney, 1955), pp. 676-677.

to do so would conflict with some basic Christian beliefs regarding human nature.

The churches were also uneasy with particular policies of the Labor Party from time to time, for example, its 'white Australia' policy, especially when it meant the deportation of the Kanakas; also the opposition of many in the party to the Protestant churches' campaign for religious education in the state schools.²⁰⁸ During the later years of World War I, there was great uneasiness at the preaching of pacifism in the labour movement. Even Donaldson, who was largely sympathetic to the Labor ideals, shared that unease. There was little doubt that most Anglican and other Protestant laity, drawn as they were largely from the non-working-class sectors of the population, would not have had any natural affinity with the labour movement, and it is also probable that many parish clergy were similarly aligned. But many of the bishops, such as Feetham in North Queensland and Halford in Rockhampton, were of a similar mind to Webber, Donaldson and Dawes. A noteworthy official statement was made by the Brisbane Synod in October 1917 — noteworthy especially in view of the backdrop of war and its upsurge of patriotism:

That this Synod, while deploring the constant outbreaks of industrial strife in this State and Commonwealth, desires to place on record its conviction that such *unrest is inevitable so long as the social, economic and industrial activities of the community are organised, as at present, on principles which are often in direct conflict with those of Christianity.*²⁰⁹

When the Synod met again in June 1918, the effects of the Bolshevik revolution were becoming evident, and Donaldson took the opportunity to make reference in his address to the Synod to what he saw as possible dangers ahead for the labour movement in Australia:

Bolshevism is a patchwork. It includes all sorts of differing and conflicting forces; ... it preaches pacifism and hatred of war, but in the same breath it preaches class war; ... The immediate effect of Bolshevism has been to place Russia under the heel of the very form of Government which it sought to destroy. Far from forwarding the cause of democracy, it has put it back incalculably, as purely destructive methods always will.

Why do I dwell on these events? Because they contain a twofold warning, which I venture to think we in Australia need to-day. The first relates to the general development of the Labour Movement. The Labour Movement in Australia has always in the past been constructive. ... Moreover it has played no mean part so far in the building of the Australian nation. ... I believe that you will agree that the movement itself is among the cleanest, healthiest and most hopeful that the world has seen. I expressed my hopes for Labour in an address I gave ... in this city five years ago, and I adhere to-day to all I said then. But for this very reason I am more concerned to emphasize the danger which I see lies in its path. The Bolshevik conflagration destroyed the Russian bureaucracy. ... [There] is no knowing how it may extend in other directions. ... Already our Labour press has shewn it to be infectious. ... There is something simple about the doctrine of direct action, of class war, ... But I repeat, you cannot reform the world by force. ... and force is the method to which too many supporters of the Labour Movement are tending in Australia to-day. ...

²⁰⁸ *Chronicle*, 1 January 1916.

²⁰⁹ *Proceedings of Synod*, October 1917 (emphasis added).

Overall, however, Donaldson remained firm in his confidence regarding the labour movement: 'My conviction is that this doctrine will not prevail.' He then looked at the pacifism being pushed in some labour circles:

The other warning relates to the immediate situation. The Bolsheviks' surrender is an eloquent warning of the inevitable result which would follow the supremacy of Pacifism. Let me guard my words. There are two suspicions, it seems, behind the Pacifism manifested in Labour circles. The first is a suspicion of the motives with which our leaders are conducting the war. ... Moreover, there are suspicions concerning secret treaties of which the public knows nothing. ... None of us want the present misery and bloodshed to go on for a day unless we are fighting for the noblest ends. ... I for one do not want to see the British Commonwealth come out of the war any richer in territory taken for selfish motives; and I confess I dread the pressure of selfish interests when the peace conference assembles. But I trust our leaders. ... It will be the Church's duty to throw its whole weight into the scale in support of a disinterested policy when the time comes. ... What does the Brisbane Industrial Council really hope for when it demands an armistice on all fronts and negotiations for peace ...? But the point is that any negotiations at the moment would be futile and dangerous. The proposal of the Brisbane Industrial Council is exactly what the Bolsheviks tried for at Brest Litovsk, ... There is not the slightest hope of coming to any terms with Prussianism short of absolute surrender, and surrender would mean the Prussianizing of the world. ... The preaching of Pacifism in the present crisis may let in Prussianism and lead to a world wide human slavery worse than before.²¹⁰

At the same time Donaldson knew his positive appreciation of the labour movement was not reciprocated so far as many working men were concerned, and the church had been rejected by many intellectuals.

[The] war has led to a considerable outburst of scornful rationalism. Large sections of the intellectual world have recoiled from the old faith. Large sections of the Labour Movement are bitter in their condemnation of us, and many religious people have turned away from us to reconstruct religious systems of their own. ...²¹¹

When Donaldson addressed the Synod a year later, his attitude was more hopeful, more positive:

The spirit of revolution cannot breathe freely in free Australia, but it is hovering about and shows itself in acute industrial unrest, one great trouble of which is that the outsider never has a fair chance of knowing the rights and wrongs of the case.

Donaldson saw signs of hope in developments on the industrial front in England:

[In] the midst of industrial turmoil in England there is quietly arising a movement which contains in it ... the germ of industrial peace and goodwill. While disputes still rage and the Press remains excited, men of goodwill on both sides are working at industrial reconstruction, and the thirty joint industrial councils already established ... are a phenomenon charged with hope. ... The fact is, there is a growing proportion of people who want not only military peace but also political and industrial peace, and what men genuinely want to-day will be with us tomorrow.²¹²

While individual Presbyterian clergy had made significant comments on industrial

²¹⁰ *Proceedings of Synod*, June 1918, pp. 243-244.

²¹¹ *Proceedings of Synod*, June 1918, p. 250.

²¹² *Proceedings of Synod*, June 1919, pp 15-16.

matters in the period from 1890 to 1910, Presbyterians were not so forward in commenting officially on industrial matters as were the Catholics and Anglicans. Only passing comments appeared in minutes of the Assemblies. For example, in a report to the General Assembly of Australia by its Public Questions Committee in 1910, there is brief mention of *consideration having been given* in December 1909 to the coal strike then in progress in New South Wales, and to the possibility of 'stepping in to render assistance in the settlement of the dispute'. Before anything was done, the dispute was settled on the initiative of the government.²¹³ In a lengthy resolution passed at the 1917 Assembly and re-affirmed in 1918, the hope was expressed that the war 'will open the mind of the nation to the needs of a wider social justice, and the better ways of brotherhood, *which alone will still the strife of classes*'.²¹⁴ Again in 1919, in a resolution on the ending of the war, a similar sentiment found a place.²¹⁵ In 1920 industrial strife brought about discussions with the Methodist church with a view to the two churches issuing a joint statement, but no agreement was reached. The Queensland Assembly decided to reiterate a resolution passed in Victoria:

That this Assembly views with great concern the present world-wide industrial unrest, and is not insensible to the possibilities for good underlying the movement, provided that it be leavened with the ethics of Christianity. That the Assembly affirms its sympathy with the legitimate aspirations of Labour towards the improvement of conditions, a more equitable distribution of the rewards of industry, and the fullest opportunity of self-expression; at the same time it declares its disapproval of sabotage, violence, and slacking on the one hand, and of sweating, profiteering, and exploitation on the other ...²¹⁶

Summary

In the period under review, there was strong support in both Catholic and Protestant churches for the developing industrial unions and the labour movement — at least at the official level. In the Anglican church, from Hale through to Donaldson, there was a continuous thread of genuine support for the aspirations of the working classes. It found expression in addresses to Synod and in public forums. On the other hand, at least from the turn of the century onwards, there were signs of unease regarding the way things were developing within the trade unions. This became very evident during the World War I, and was heightened again subsequent to the revolution in Russia.

At the same time, however, the labour movement was becoming more critical of the

²¹³ *Minutes of Proceedings of the General Assembly of the Presbyterian Church of Australia* (Sydney 1910), p. 117.

²¹⁴ *Minutes of Proceedings of the General Assembly of the Presbyterian Church, State of Queensland* (Brisbane, 1917), p. 32. (1918), p. 13 (emphasis added).

²¹⁵ *Minutes of Proceedings of the General Assembly of the Presbyterian Church, State of Queensland* (Brisbane, 1919), pp. 13 & 14.

²¹⁶ *Minutes of Proceedings of the General Assembly of the Presbyterian Church, State of Queensland* (Brisbane, 1920), pp. 49 & 83.

Protestant churches. As indicated above, in his 1918 Address to Synod Donaldson lamented that large 'sections of the Labour Movement are bitter in their condemnation of us'. Two possible causes for that estrangement suggest themselves. The sociological make-up of the Protestant churches meant that there were far fewer members of those churches to be found in union and Labor ranks, which meant that the strong statements issuing from church leaders and official bodies tended to remain simply that — strong statements. As outlined earlier, Webber's statements in the 1890s produced a temporary thaw, but it did not last. Probably the major reason during the war period, however, was the strong support given by the Protestant churches to conscription, as described in the previous chapter. With a few notable exceptions, the labour movement was bitterly opposed to the proposal. It was not surprising that the working classes tended to see the Protestant churches, especially the Anglican, as part of the establishment which was oppressing them. Yet even during those latter years of the war, the Brisbane Synod, as we have seen, passed a resolution supporting the unions in their struggle for a more just society.

On the Catholic side, the situation worked out differently. While at first there was the difficulty over socialism, the far greater proportion of the Catholic laity in the labouring and artisan classes meant a high degree of direct contact between that church and the labour movement. Because the Catholic church exhibited a high degree of cohesiveness and internal discipline, statements by the hierarchy had more impact on the Catholic laity than was the case in the Protestant churches — especially the publication of *Rerum Novarum*. When the conscription controversy erupted in 1916 and again in 1917, the inclinations of Catholics as unionists and as Irishmen coincided, so the issue did not lead to bitterness toward the church. The issue which did separate the Catholic church from some sections of the labour movement was the increasing impact of bolshevism after the Russian revolution.

In entering into this area of industrial relations, the church was obviously sharing the arena with the state, which had a direct concern in the material well-being of its citizens. Given that in the late nineteenth and early twentieth centuries, the churches collectively could claim at least some degree of adherence by a considerable part of the population, strong statements made by Dunne and Duhig, by Hale and Webber and Donaldson, and by other prominent church figures played a role in moulding public opinion. Their addresses, sermons, and statements were widely reported in the secular and church press. While it is difficult to pinpoint ways in which the activities of the churches were taken into account by the governments of the day, they could hardly be ignored.

CONCLUSION

The areas of life touched on in this chapter constitute a major arena of concern for both church and state. The tendency during the period under review has been for the state to try increasingly to regulate life in these areas by legislation — at times simply responding to events, sometimes as a matter of party policy, sometimes as a response to pressure groups such as the churches.

So far as the churches were concerned, their involvement in these areas was integral to their existence. Even the more individualistic interpretations of Christian teaching as found in some of the smaller Protestant groups still saw Christian belief as impinging on day to day life. The Christian life was a life which must be lived in the world at large. When the churches sought to influence the lives of their individual members, it was well realised in the churches that what they were doing was going to be an important factor in the shaping of the social organism — and hence the state as such.

There were times when the churches realised that it was not sufficient to work through individuals. Pressure was then brought to bear directly upon governments. One thing which stands out in the topics covered in this chapter is that all the major churches, both Catholic and Protestant, were quite ready to apply such pressure when it was evident that legislative change was the only way of achieving a desired end.

This contradicts a common perception amongst Protestants that it is only the Catholic sector which tries to pressure governments into bowing to its wishes — Protestants, it is thought, as believers in the separation of church and state, leave governments free of undue influence! This study has shown many attempts by Protestant churches and individuals to bend the will of governments. The only distinction which can be drawn between Catholics and Protestants is between the particular issues which the various groups deemed appropriate for political involvement.

As O'Farrell points out, in regard to temperance, Catholic bishops were content to leave it to the individual christian's conscience, whereas Protestants were constantly urging legislative control upon the government. In fact, it is difficult to find an issue where Protestants did not at one time or another lobby the government. Social discipline, governmental control and compulsion were viewed as essential for the moral health of people more inclined towards the evil than the good — a lingering result of the Genevan roots of much of the protestantism present in Queensland.

The foremost example of this was the campaign for prohibition, for which Protestant churches lobbied vigorously in Queensland, whereas Duhig argued against the

proposal. Surprisingly, in view of their various traditions, in the later stages of the campaign, the lead was taken by the Anglicans, probably because prohibition became merged in people's thinking with loyalty to king and empire and victory in battle. Prior to the 1914-18 war, temperance had been less of an issue for the Anglicans than industrial relations.

Industrial relations, for the other Protestant groups, was left largely to individual clergy. Temperance and gambling were the enduring big issues for the Presbyterian Assemblies and Methodist Conferences. Comparatively few official statements were made on industrial matters. Sexual and marital matters attracted attention from time to time in all the churches, mainly whenever a change in legislation was proposed by the government.

Overall, the areas covered in this chapter show a close and immediate interaction between church and state. In some instances the churches were leading the way in forward thinking, as in their proposals for conciliation and arbitration in industrial disputes. In regard to the liquor trade, the churches were able to persuade the governments to regulate it to a degree — short of what the churches asked for, but still significant. Sunday trading was restricted, but not abolished; the people were eventually given a say through the three-yearly polls; and when Labor Party policy coincided with the demand for a referendum on prohibition, that was granted. On the other hand, earlier closing during the war years was refused.

In summary, the issues looked at here, as in the previous chapters dealing with the aborigines, education, and war, have shown yet again the impossibility of the church being isolated from the state. By their essential natures, the two are intertwined, and cannot avoid that interaction without denying themselves and their heritage.

Chapter 8

COMPARISONS AND CONCLUSIONS

Each day one understands more and more that political liberty is bound inseparably to religious liberty. It has its root in it and cannot be affirmed and developed other than through it. All parties who have sought to give it another base have failed in their attempts and have come to destruction through tyranny.¹

Those words from Lamennais, the French liberal of the nineteenth century, capture the spirit which has animated many people in Europe, Britain, North America, and Australia over the past two centuries. It could be argued that the obverse is equally true — religious liberty is dependent on political liberty. In Queensland in the 1860s and 1870s, some were primarily concerned for political liberty, others were looking for religious liberty. There was sufficient common ground, however, for them to combine to bring about what they thought would mean the separation of church and state.

The relationship between church and state in Queensland in the limited period from 1859 to 1918 must be viewed in the context of the broad sweep of history. As set out in chapter 1, from ancient times to the modern period, there has normally been a close relationship between the ruler and the religious beliefs and observances of the ruled, with the ruler having a pivotal religious significance. So far as the history of the Christian church is concerned, that pattern, with minor variations, applied from the fourth century up to the late eighteenth century — the period of the American and French revolutions — the time when the first white settlers arrived in Australia and laid down the foundations of its institutions.

For much of the western world, including the settlement in New South Wales, it was the end of an era in church-state relations. That was not realised until some decades after the first settlement at Sydney Cove — at first it was assumed by church and civil dignitaries alike that the pattern established in England by Henry VIII and subsequent sovereigns would be replicated in the new colony, with the Church of England being the church 'established by law', the monarch its earthly governor, and material support being provided largely from state funds.

¹ Félicité Robert de Lamennais in *L'Avenir*, August 1831, quoted by C. B. Hastings, 'Hugues-Félicité Robert de Lamennais: A Catholic Pioneer of Religious Liberty', *Journal of Church and State* 30.2 (1988), p. 321.

That assumption was shattered by 1830. It had not been foreseen that the situation in Britain itself would change in two important ways:

- (a) there was the growth of liberal-democratic sentiment, fed by the American and French Revolutions and then by the changes wrought in church-state relations on the continent by Napoleon in the decades immediately following the first settlement in Australia; and
- (b) there was the continuing growth of the non-conformist churches in England, linked with the sociological changes that accompanied the industrial revolution. Non-conformity had become a political force that could not be ignored, and from 1828 onwards progressively won from the Crown the lifting of the various civil restrictions which had applied to Catholic and Protestant nonconformists.

The Church of England was still the established church, enjoying state support and patronage, but its situation in the English social fabric was irrevocably altered. The impact of these changes was evident immediately in Australia.

Additional to those changes in England itself, the situation as it developed in Australia was radically different from the expectations and hopes of the early immigrants. It was impossible to reproduce patterns similar to what they had left behind. The barren landscape; the harsh climate; the vast distances; the sparse population; and above all, the different ethnic, sociological and denominational mix of people — these made it inevitable that the Australian situation would be different from anything the ecclesiastics, the politicians, or the lawyers had ever experienced. Pressure for change was more urgent than in Britain itself, and by the 1830s it was realised that a sole established Church of England could not be sustained in the colony. The fate of the very concept of an established Church of England in the colonies was finally sealed in practical terms by the decision of the Judicial Committee of the Privy Council in 1864. The *Colenso* decision meant that where there was an independent legislature functioning in a colony, the British crown no longer had jurisdiction over a colonial branch of the Church of England. Henceforth the only way there could be an established church in such a colony would be for the local legislature to bring it about — an unlikely event given the prevailing liberal philosophy in nineteenth and twentieth century Australia.

Queensland gained its independent colonial status at a time when this liberal-democratic sentiment was virtually at its peak, and, as mentioned earlier (pages 65 ff.), one of the first actions of the new parliament in 1860 was to break the remaining inherited formal links between the state and the four churches still receiving aid under the 1836 Act, apart from continuing some minor standing commitments to individual clergy. Aid to

church schools was continued for a further fifteen years — somewhat grudgingly, as a matter of necessity occasioned by the state's inability to fill the gap.

This did not mean the end of church-state relationships, however. On the contrary, it made for an extremely complex web of interconnections, as all the churches struggled to come to grips with the new situation. This was especially so in the case of the Anglican church, which had to grapple with the whole question of its identity in this new land. There was the question of its relationship to its mother church in England. There was the problem of supporting itself when its members were unaccustomed to having this burden placed directly upon their shoulders. Above all, there was the problem of setting up its own internal governmental structure and discipline, in a form as closely akin to its traditional English form as possible.

It was this last issue, and the desire to retain as close a link with the mother church as was legally practicable, which led the Anglican church in Queensland to adopt a constitutional position which later proved burdensome. The full import of what was done in the late 1860s did not become evident until the early decades of the twentieth century, when we find Donaldson and the other bishops lamenting the 'nexus', their bondage to 'the English Establishment'.²

From the time of Bishop Tufnell's arrival in Brisbane in 1860 as bishop of the infant diocese, through to the 1890s, the Anglican church in Queensland was on the defensive in relation to the state. In his initial hopes for direct material support for the Church of England and its schools, Tufnell suffered one defeat after another, relieved only by some short-lived gains in the late 1860s in respect to the church schools. By 1875 all of that had been lost as well, as the strong influence of the secularists and the non-conformists in the colony moved parliament towards what was seen as the final separation of church and state.

Coming from the opposite end of the spectrum, so far as legal establishment was concerned, the other churches, Protestant and Catholic, survived and prospered with somewhat less pain. Baptists, Congregationalists, Methodists, Presbyterians — most people of those persuasions were very happy with the new church-state situation, having played a part in bringing it about. Even the numerically weak Congregationalists were able to establish churches in Ipswich and Brisbane and played a role in the life of the colony.³

² See above, pp. 68, 91-92.

³ G. Lindsay Lockley, 'The Foundation, Development, and Influence, of Congregationalism in Australia' (Ph.D. thesis, University of Queensland, 1966), pp. 287-293.

Bishop Quinn, before he had arrived in the colony, wrote to Bowen expressing his agreement with the 1860 Act abolishing aid to the churches. He declared it 'most desirable that, in a new community, so constituted as our colony is likely to be, the several religious professions should depend for support on the voluntary exertions of their own members'.⁴ He hoped for aid to his schools, but came prepared for the worst in that regard. Aided by dedicated nuns and brothers, Catholic education in the colony survived and prospered.

Beginning in the 1880s, however, we see signs of a change of mood and attitude showing itself in the other churches. So far as the Anglican communion was concerned, this was due largely to the dynamic leadership of Webber from 1885, in contrast to the rather compliant Hale who had preceded him. More important, however, was the realisation growing in all the churches that they had allowed the situation to move further towards secularism than they had ever intended. Having taken their lead from New South Wales initially, it was realised that religion had been relegated further to the periphery of Queensland's state-run education system than in the parent colony. This perception came eventually to be shared by a large proportion of the population, demonstrated in the community's response to the Bible in State Schools campaign which culminated in the successful state-wide referendum on the issue.

This new attitude, where the church was prepared to stand up to the state and meet it head-on in the harsh world of politics — and eventually win after a long campaign extending over twenty years — marked a new maturity in the colonial churches. The same period saw the Anglican church come to the point where it was prepared to question seriously the link which in the 1860s it had been intent on preserving with the church in England. Unfortunately, the outbreak of World War I led to the question of the Anglican church's independence postponed to a date beyond the range of this study.

The churches, especially the Anglican church under the leadership of Webber and Donaldson (and other bishops), were not afraid to declare themselves on the thorny issues of war and peace, industrial relationships and socialism, as well as the traditional areas of concern such as gambling, drinking, sexual morality and related issues.

The move towards the separation of church and state was common to all the Australian colonies, and Queensland was no exception. But the history of the past one hundred and thirty years, as of the more limited period under review here, raises important

⁴ Yvonne M. McLay, *James Quinn: First Catholic Bishop of Brisbane* (Armadale, 1979), p. 116. Quinn to Bowen November 1860. The letter was printed in the *Queensland Daily Guardian* 9 May 1863.

questions as to what is meant by such 'separation'.

The story unfolded in the previous chapters shows that in speaking of a separation of church and state, we can at the most be referring to no more than a very partial separation. For either the church or the state to think and act as though it were completely independent of the other would be to live by a delusion. In education, in matters of justice and social concern, in going to war — the church and the state are involved together. The totality of the interaction and intertwining of church and state consists of much more than mere formal relationships, such as where the church has a place in the constitution; or is guaranteed protection by the state; or where the Head of State is given a measure of recognition and status within the church; or where the state undertakes financial support of the church and its work. These can all be abolished, as they were in nineteenth century Queensland, yet the church continued to interact with the state in a multitude of ways.⁵

It is helpful to compare the local situation with what has developed in North America and Europe, where, in very different political and sociological contexts, there has been considerable thought given to church-state relations over the past two centuries.

The United States of America

In the United States, an immediately obvious difference from Queensland and the other Australian States is that the disestablishment of the churches in the United States has been written into the Constitution through the First Amendment in 1791: '*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.*'⁶ The 'separation of church and state' has become something of a dogma, both in the churches and also amongst secularists in the community. A casual remark by Jefferson in a letter, when he referred to 'a wall of separation' has been elevated by some into something of an untouchable icon. Writing to a Baptist Association eleven years after the First Amendment was adopted, he said,

Believing with you that religion is a matter which lies solely between man and his God, ... I contemplate with sovereign reverence that act of the whole American people which declared

⁵ Noting, of course, that the Anglican church in Queensland continued to recognize the monarch as its earthly governor, and indirectly, the crown still had some jurisdiction over that church, because of the way the Queensland church bound itself constitutionally to the English church.

⁶ The Federal Constitution was adopted originally in 1787. The First Amendment was introduced in 1791. At first it was interpreted as not applying to the states, which allowed Connecticut to continue an established church until 1818, Massachusetts until 1832. It was 1923 before the Supreme Court ruled that the First Amendment applied to the states as well. See Roger L. Shinn, 'Church and State: Some Convictions and Perplexities Coming Out of Experiences of the United States of America', in World Council of Churches, *Church and State: Opening a new ecumenical discussion* (Geneva: World Council of Churches, 1978), pp. 31-32.

their legislature should “make no law respecting an establishment of religion, or prohibiting the free exercise thereof,” thus building a *wall of separation* between Church and State.⁷

In Australia, on the other hand, separation has been achieved through legislation, giving greater flexibility in the relationship. Thus it was possible for the Queensland government through legislation in 1899, and later in the other states, to again give aid to church schools, without requiring a constitutional amendment.

The wording of the First Amendment leaves ample room for debate as to its interpretation and application. Some Christians have deplored the fact that the United States Constitution makes no reference to God; others have deplored what they see as the replacement of church-state separation by the development of a Protestant ‘state-religion’ or ‘civil religion’ embodied in various ritualised forms.⁸

In a significant statement, the National Council of Churches, U.S.A., in 1964, noted that in the past,

The nation which adopted the First Amendment, at the same time considered itself both Christian and Protestant and saw no contradiction in passing laws which required Sunday observance, prayer and Bible reading in public schools. Its actions attested to historical interaction as well as to separation of church and state.

It pointed out that through immigration, the predominantly Protestant society had developed into a pluralistic society:

[W]e hold the most desirable relationship between church and state is one in which each is distinct and free to fulfill [sic] its separate role and so to enrich the common culture. ... [Any] attempt to express church-state relationships in terms of an absolute and complete separation or of a wall of separation between church and state serves only to obscure the fullness of their relationship rather than offering a fruitful basis for an understanding of the present situation. The history of church-state relations in the United States refutes such a rigid conception. ... Both the new pluralism and the expansion of governmental functions require re-examination of the role of the state respecting religion and the churches.⁹

The National Council went on to point out that the government was required by the

⁷ Jefferson to Danbury Baptist Association, 1 January 1802. Quoted in Edwin S. Gaustad, ‘Church and State Re-examined: A Baptist View’, *Journal of Church and State* 4.1 (1962), pp. 79-80 (emphasis added).

⁸ See Dean M. Kelley, ‘Beyond Separation of Church and State’, *Journal of Church and State* 5.2 (1963), pp. 181-98; H. Frank Way, ‘The Death of the Christian Nation: The Judiciary and Church-State Relations’, *Journal of Church and State* 29.3 (1987), pp. 510-29; Henry Warner Bowden, ‘A Historian’s Response to the Concept of American Civil Religion’, in James E. Wood, Jr. ed., *Readings on Church and State* (Waco: J. M. Dawson Institute of Church-State Studies, 1989), pp. 185-194; Richard T. Hughes, ‘Civil Religion, the Theology of the Republic, and the Free Church Tradition’, *Journal of Church and State* 22.1 (1980), pp. 75-87; Roger L. Shinn, ‘Church and State: Some Convictions and Perplexities Coming Out of Experiences of the United States of America’, in World Council of Churches, *Church and State: Opening a new ecumenical discussion* (Geneva: World Council of Churches, 1978), pp. 37-39.

⁹ National Council of Churches, ‘Separation and Interaction of Church and State’, *Journal of Church and State* 6.1 (1964), pp. 147-150.

Constitution not only to not establish any religion, but also to protect religious liberty. While sometimes these two principles complement each other, there are times when they conflict, and then the government must preserve a balance of interests.¹⁰ Shinn gives an example of where this has happened. The Supreme Court has ruled that freedom of religion does not give students or teachers the freedom to pray in public schools, as that would constitute an establishment of religion. At the same time, however, the ruling denied the freedom guaranteed in the second half of the First Amendment, namely, to allow the free exercise of religion.¹¹

A negative effect of this constitutional position in the twentieth century has been excessive litigation by parties seeking to either eradicate or preserve various practices associated with the public schools and other public institutions. A positive effect has been the amount of vigorous debate on the issue, as exemplified in the *Journal of Church and State* over the past three decades.

Philip Wogaman has suggested that the term ‘myth’, used in a technical rather than a popular sense, can help in understanding the United States situation:

[The] slogans “separation of church and state” and “religious liberty” ... may properly be called “mythical” in that they present *simplified understandings of more complex realities, symbolic formulations of historical experience*.¹²

Wogaman accepts that at the time of the Founding Fathers, the separation of church and state ‘was a fairly workable possibility in a sparsely populated, agrarian society, in which both state and church expressed themselves in simple institutions’. However, the Founding Fathers had little concept of ‘the cultural effect which compulsory and free public school education was to have upon society. Yet today the American public school systems have come to occupy a central role [in society]’.¹³ The twin ‘myths’ of separation and religious liberty have placed the public schools on the horns of a dilemma:

If, as instruments of the state, the schools include ... [religious] subjects in their course of study, there is question of whether they have violated the principle of “separation of church and state.” If they do not, there is question as to whether they have violated the principle of “religious liberty.” ... If the content of public school education is to be completely secularized, its role will be to place cultural forms informed by religion at a disadvantage —

¹⁰ National Council of Churches, ‘Separation and Interaction of Church and State’, *Journal of Church and State* 6.1 (1964), p. 151.

¹¹ Roger L. Shinn, ‘Church and State: Some Convictions and Perplexities Coming Out of Experiences of the United States of America’, in World Council of Churches, *Church and State: Opening a new ecumenical discussion* (Geneva: World Council of Churches, 1978), p. 33.

¹² Philip Wogaman, ‘The Changing Role of Government And the Myth of Separation’, *Journal of Church and State* 5.1 (1963), p. 61 (original emphasis).

¹³ Philip Wogaman, ‘The Changing Role of Government And the Myth of Separation’, *Journal of Church and State* 5.1 (1963), p. 64.

thus raising subtle but real questions regarding religious liberty.¹⁴

Wogaman points out that the ideas of separation and religious liberty 'were originally wedded to a concept of limited government which had been deeply influenced by John Locke'.¹⁵ What happens when there is a vast increase in the role of government, as in the twentieth century — a point developed by Gaustad:

Hardly is it possible today for the church to avoid some degree of "entanglement" with the "big government" of our industrialized, urbanized, militarized, welfare society. Whether by default or decision, the church grows closer to the state. And whether by intent or by accident, the state finds itself — not without embarrassment — trespassing on the preserves of the church.¹⁶

Writing as a Baptist, Gaustad challenges his own church — traditionally opposed to any link between church and state:

It may be that the doctrine of separation of church and state is, theologically, more akin to a *modus vivendi* than to an eternal truth. ... We may begin by recognizing that in the flight from establishment, it is possible to run too far. While, on the one hand, we reject that situation in which the church and state are indistinguishably meshed and mutually corrupt, so we also, on the other hand, reject that situation in which the church and state are thoroughly insulated and mutually irrelevant. We refuse to believe that separation of church and state need imply a separation of religion from politics, from ethics, from education, from economics.¹⁷

Gaustad effectively rejects the notion that religion is the purely private matter that Jefferson had affirmed it to be when he said, 'religion is a matter which lies solely between man and his God' (see above, page 278). Jefferson's view has found considerable acceptance in American religion.¹⁸ Benjamin describes it as the *bete noir* of American Protestantism, exploited by right-wing interests:

Conservative millionaires happily support "Christian Anti-Communist Crusades," "Old time religion" revivals, "Back to the Bible" hours, and buy Texas-sized parcels of space for "Gospel cowboys" to ride all over the Sunday airwaves, knowing their "hired hands" will not lasso anything more important than "godlessness," in general, and swearing, dancing, boozing, and fornicating, in particular. ... It is a perversion of prophetic Christianity.¹⁹

¹⁴ Philip Wogaman, 'The Changing Role of Government And the Myth of Separation', *Journal of Church and State* 5.1 (1963), p. 65.

¹⁵ Philip Wogaman, 'The Changing Role of Government And the Myth of Separation', *Journal of Church and State* 5.1 (1963), p. 73. See also David C. Snyder, 'John Locke and the Freedom of Belief', *Journal of Church and State* 30.2 (1988), pp. 227-243.

¹⁶ Gaustad continues: 'Ecclesiastical decisions must be made in connection with programs of international relief, loyalty oaths, and socio-political reforms. Government decisions must be made in connection with the religion of adopted children, birth control, aid to education, inaugural parades, and even (in Rocky Mount, North Carolina) the character of Baptist polity. In Bible reading and flag saluting, in transportation and inoculation, the problems — problems for the church as well as for the state — arise. What is the will of the people?' Edwin S. Gaustad, 'Church and State Re-examined: A Baptist View', *Journal of Church and State* 4.1 (1962), p. 78.

¹⁷ Edwin S. Gaustad, 'Church and State Re-examined: A Baptist View', *Journal of Church and State* 4.1 (1962), p. 79.

¹⁸ See footnote 6 above.

¹⁹ Walter W. Benjamin, 'Separation of Church and State: Myth and Reality', *Journal of Church and*

Commenting on the public/private debate, Cochran points to the confusion and mingling of the two in the areas of human reproduction, sexuality, and family life. 'What could be more private than making babies?' he asks, but then points to the variety of ways in which it can now be accomplished, ranging from normal intercourse to *in vitro* fertilisation and surrogate parenthood, which have become matters of public concern:

Methods of alternate conception move reproduction from the privacy of the marriage bed to the public arena. Was not the private marriage bed itself created by the public institution of marriage? ... Pornography, after all, fixates on the public display of private parts. Is it most appropriately considered a matter of private taste or of public morality and decency?

He sees similar problems arising with gender roles, divorce, illegitimacy, child care, child abuse, and suchlike.²⁰

F. H. Littell has attacked the 'dogmatic secularist' position:

[There is a] misunderstanding, rather widespread in university circles and among a vocal minority of dogmatic secularists ... that with the founding of the Federal Republic a "high wall of separation" was constituted between church and state, and that any cooperative relationships subsequently attempted represent a decline from principles established by the Founding Fathers. Pursuing this logic, the ideologues of secularist bent have instituted one suit after another to drive religious symbolism and commitment out of public life.²¹

Littell points out that the concept of the 'wall of separation' does not appear in the Constitution — it was a personal notion of Jefferson, expressed in a private letter. Secularists are consequently mistaken in claiming semi-juridical status for it. The Constitution did establish a secular state, but a secular state is not necessarily 'anti-religious' as the 'dogmatic secularists' would have people believe:

"secular" government is a far finer human invention than the sacral governments of an earlier epoch of human affairs; "secular" government is limited in its claims and authority, "creaturely" in the theological sense, freed from all pretensions to ultimate attainments — removed from the ecclesiastical conspiracies and cabals of the former age, to do what good governments are there for: to govern civil affairs, no more and no less.

State 11.1 (1969), p. 101. See also J. L. Garrett, 'Does Church-State Separation Necessarily Mean the Privatization of Religion?' *Journal of Church and State* 18.3 (1976), pp. 209-216.

20 Clarke E. Cochran, 'Public/Private — Sacred/Secular: A Context for Understanding the Church-State Debate', *Journal of Church and State* 29.1 (1987), pp. 117-119. At the same time it must be noted that in the past two decades a part of the right wing of American Protestantism has become the 'new right' of American politics. While still stressing the private, pietistic nature of religious faith as such, with religion and politics, church and state, kept in their own separate compartments — Jefferson's 'wall' must be kept standing — but the wall can be jumped on occasions. Comparing the place of religion under Presidents Eisenhower, Nixon, and Reagan, Gaustad comments, 'Dwight Eisenhower was saying that your faith is good for you. Richard Nixon was saying that your faith that I have faith is good for me. Ronald Reagan is saying that his faith is good for you and for me'. Edwin Scott Gaustad, 'Church, State, and Education in Historical Perspective', *Journal of Church and State* 26.1 (1984), p. 28.

21 Franklin H. Littell, 'Religious Liberty in a Pluralist Society', *Journal of Church and State* 8.3 (1966), p. 431.

Religious Liberty, as attained over a period of some decades at the constitutional level, was never in the American experience an act of hostility to the churches.²²

Benjamin sees contemporary American Protestants as divisible into two categories: 'Separationists' and 'Transformationists'. He links the first with the pietist tradition stemming originally from the European Anabaptist (e.g. Mennonite) and the English separatist (e.g. Baptist and Congregational) streams. The second he links with the calvinist (or better, neo-calvinist) stream, flowing through figures such as Reinhold Niebuhr and Henry Van Dusen. 'Transformationists' as described by Benjamin and others are not seeking to have the Constitution changed, but to have it applied in a spirit of 'benevolent neutrality', with church and state independent but not separate:

A Protestant transformationist should stand neither for a unity of church and state, nor for complete separation; neither marriage nor divorce but something in between. He must avoid opposite perils ... Transformationists, less doctrinaire than separationists, speak of "free cooperation" and "benevolent neutrality" between church and state. ... the state is benevolent towards religious forces as a whole, yet completely neutral among particular churches.²³

Benjamin notes that there is much common ground between the 'transformationist' position he outlines and the Roman Catholic position developed by John Courtney Murray and embodied in the Vatican II 'Declaration on Religious Freedom'.²⁴

Europe

In much of Europe the traditional pattern of the close alliance between church and state, having survived the Reformation, was severely shaken by the French revolution and the Napoleonic wars. Napoleon's policy was to control the church through a series of concordats, as a result of which, where any sort of alliance has recovered and survived, it has done so in a different form and with some difficulty in most countries, especially where the church found itself confronted by totalitarian regimes.

In reference to contemporary church-state relations in European countries, Huber identifies three basic patterns:

-
- 22 Franklin H. Littell, 'Religious Liberty in a Pluralist Society', *Journal of Church and State* 8.3 (1966), p. 434.
 - 23 Walter W. Benjamin, 'Separation of Church and State: Myth and Reality', *Journal of Church and State* 11.1 (1969), pp. 96-98, 102-105.
 - 24 See Walter M. Abbott, ed., *The Documents of Vatican II* (London, Geoffrey Chapman, 1967), pp. 672-700. Abbott includes an introductory comment by John Courtney Murray and a response from Franklin H. Littell. The Declaration also drew a favourable response from the World Council of Churches (Geneva) in 1966. See A. F. Carrillo de Albornoz, 'Ecumenical Perspectives of the Vatican Declaration on Religious Liberty', in James E. Wood, Jr. ed., *Readings on Church and State* (Waco: J. M. Dawson Institute of Church-State Studies, 1989), pp. 227-36.

- Countries where there is one established church under some measure of control by the state, as in England and the Scandinavian countries;
- Countries where there is a separation of church and state, with no support given, and churches having the status of civil law bodies, as in France;
- Countries where the state is neutral in religious matters, and gives aid equally to the major churches, with church-state cooperation in various areas of common responsibility, as in the Federal Republic of Germany.²⁵

In the case of Germany, from the Reformation to the Napoleonic period, the sovereign rulers in the German states determined the faith of those they ruled over, and had 'incorporated the churches into their state machinery to a greater or lesser extent. They wanted ... the full control of the churches in order to enjoy complete sovereignty'. Napoleon brought that situation to an end, and in the nineteenth century the states and the churches emerged as distinct legal entities, but the churches were still rigidly controlled.

Up to the beginning of the nineteenth century the states were homogeneous in their religious persuasions, but from the Napoleonic period they have had mixed populations of Protestants and Catholics. That pluralism led to growing religious tolerance, which bore fruit in the Frankfurt National Constitution in 1849, which, while never officially adopted, has influenced church-state relations ever since. It embodied the principles of religious freedom and the autonomy of the churches.²⁶ There was no separation of church and state until after World War I with the Weimar Constitution of 1919.²⁷

Following the devastation of World War II, the 'churches were recognised as the only social institutions which had survived the Third Reich relatively intact', giving them an improved standing in the community.²⁸ The present church-state situation in the Federal Republic of Germany is regulated in part by the Constitution and partly by a series of concordats and church treaties made between the major Protestant and Catholic

²⁵ Wolfgang Huber, 'Church and State in the Federal Republic of Germany', in World Council of Churches, *Church and State: Opening a new ecumenical discussion* (Geneva, World Council of Churches, 1978), pp. 114-15.

²⁶ Wolfgang Huber, 'Church and State in the Federal Republic of Germany', in World Council of Churches, *Church and State: Opening a new ecumenical discussion* (Geneva, World Council of Churches, 1978), p. 116

²⁷ Klaus Obermayer, 'State and Religion in the Federal Republic of Germany', *Journal of Church and State* 17.1 (1975), pp. 99-100.

²⁸ Wolfgang Huber, 'Church and State in the Federal Republic of Germany', in World Council of Churches, *Church and State: Opening a new ecumenical discussion* (Geneva, World Council of Churches, 1978), p. 120.

church bodies on the one hand and the State and Federal governments on the other.

Substantial financial support is given to the churches. The public primary schools are interdenominational Christian schools teaching the common tenets of the different confessions. Teachers giving religious instruction are paid by the state, which also gives 'considerable financial support to pay the salaries of the clergy'. The latter are educated in the denominational theological faculties of the state universities. Church taxes are levied and collected by the government on behalf of the churches.²⁹

Surprisingly, in view of the strong financial commitment on the part of the state, the churches currently enjoy a large measure of independence. Following the formula of the Weimar Constitution of 1919, the present Constitution decrees that there will be 'no state church', and the state observes a strict 'denominational neutrality'. Obermayer sees this as partly a reaction to the earlier threat to religious freedom from National Socialism.³⁰ The contemporary situation in Germany is similar at some points to the situation in New South Wales following the 1836 Act, which has been described as a form of 'multi-establishment' (see pages 52, 60-61).

This represents a marked shift away from the philosophy of the state which had developed in the decades leading up to World War I. Under the influence of Lutheran theology and Hegelian philosophy the state had come to be glorified and made an absolute to the point where the theory justified the attempted expansion through war. In that environment, the church was kept in a subservient role.³¹

In terms of church-state relationships, France is very different from both the United States and Germany. While, like the United States, there is a separation of church and state, the position of the churches is more difficult. Anti-clericalism is strong, and while Roman Catholicism is still the faith of many, it is denied any official status in the Republic. At present an uneasy truce prevails between church and state.³²

There had been the trend, since the Middle Ages, for European monarchs to exercise an increasing measure of control over the church. In France, that issued in 'gallicanism', set forth in the Gallican Declaration of 1682. Supported by many of the clergy, that

²⁹ See Klaus Obermayer, 'State and Religion in the Federal Republic of Germany', *Journal of Church and State* 17.1 (1975), p. 98.

³⁰ Klaus Obermayer, 'State and Religion in the Federal Republic of Germany', *Journal of Church and State* 17.1 (1975), pp. 101-104.

³¹ See Julian Jenkins, 'War Theology, 1914 and Germany's *Sonderweg*: Luther's Heirs and Patriotism', *Journal of Religious History* 15.3 (1989), pp. 292-310. See also comment in footnote 63 on p. 186 above.

³² See Steven Englund, 'Church and State in France since the Revolution', *Journal of Church and State*, 34.2 (1992), pp. 326-61.

Declaration would have made the church in France largely autonomous so far as the papacy was concerned. A compromise was reached in 1693, but the Gallican spirit lived on, and surfaced again immediately after the revolution in 1789.³³

The revolutionary National Council forced the promulgation of the 'Civil Constitution of the Clergy' in 1792, which was intended to cut the French church adrift from Rome, making it a national church, supported by the state.³⁴ It was in force until 1801, when Napoleon sought reconciliation with Rome and signed a 'Concordat' with the Pius VII. That acknowledged Roman Catholicism as the religion of the majority in France, and provided for its free exercise. There was to be an extensive reorganisation within the church; the state would have the right to nominate episcopal appointments, and must approve of all clergy. The 'Organic Articles' issued the following year gave the state yet greater powers over the Catholic church, and recognised Protestants as on the same footing.³⁵

The Concordat provided the basis for church-state relationships throughout the nineteenth century. Serious tension between the church and the state built up in the final quarter of the century, however. Liberalism and anti-clericalism was rife in successive governments, and religion came to be seen as a private matter: 'God has ceased to be a matter of public order. Now he is only a matter for private law ...', wrote Pierre Laffitte in 1893.³⁶ It eventuated in the Separation Law of 1905, which was more radical than anything previously in force. The establishment of any religion was rejected; liberty of conscience and freedom of worship were guaranteed; all financial commitments were terminated. Church properties were to be under the control of local 'associations' of lay persons. This last provision was ignored by the Roman Catholics and never enforced by the government.³⁷ The Separation Law has continued to govern church-state relationships in France, with anti-clericalism still strong. It has

³³ See S. Z. Ehler and J. B. Morrall, eds., *Church and State Through the Centuries: A Collection of historic documents with commentaries* (London, 1954), pp. 205-206.

³⁴ Ehler and Morrall describe it as 'a strange mixture of theories derived from Gallicanism on the one hand and the Enlightenment on the other'. S. Z. Ehler and J. B. Morrall, eds., *Church and State Through the Centuries: A Collection of historic documents with commentaries* (London, 1954), p. 237. The Civil constitution allowed a minimal recognition of the pope's primacy. All citizens would have the right to vote in episcopal elections, including non-Catholics. It succeeded in splitting the French church, with around a half of the clergy refusing to take the oath of allegiance. Many of the 'non-jurors' were driven into exile.

³⁵ S. Z. Ehler and J. B. Morrall, eds., *Church and State Through the Centuries: A Collection of historic documents with commentaries* (London, 1954), pp. 249-252.

³⁶ Quoted by Silvio Ferrari, 'Separation of Church and State in Contemporary European Society', *Journal of Church and State* 30.3 (1988), p. 535.

³⁷ S. Z. Ehler and J. B. Morrall, eds., *Church and State Through the Centuries: A Collection of historic documents with commentaries* (London, 1954), pp. 355-58.

led to the uneasy and unstable situation described by Englund.³⁸

Reference was made earlier to the point made by Wogaman and Gaustad who referred to the increase in government involvement in society in the twentieth century. Silvio Ferrari³⁹ sees the same thing happening in Europe:

Various denominations — *stato sociale* in Italy, welfare state in English-speaking countries, *état providence* in France — the contemporary state is very different from the liberal state. Whereas the latter tended to reduce public intervention to encourage greater expansion of private autonomy, the contemporary state is characterized by its constant and penetrating involvement in all social processes, with a view to ensuring its citizens a degree of welfare and social justice considered unachievable with free market forces.⁴⁰

Ferrari argues that this change from the liberal state to the welfare state has brought significant changes in church-state relationships in most European countries. While one tenet of liberalism, namely, that the state should not interfere in the internal affairs of churches, has largely been preserved, many governments have found themselves obliged to be involved in the religious welfare of citizens, with widespread financial support being given through various channels.

Economic needs of churches are satisfied by state budgets earmarked for some religious denominations in Spain, Italy, Greece, Luxembourg, and, in general, in Eastern European countries. A religious tax is levied in West Germany, Austria, Switzerland, Denmark, Norway, and Finland. ... France, Great Britain, Holland, and Sweden, have other indirect means of financial assistance ... Thus, the state has abandoned the liberal dream of giving religion a private status implicit in [the] separation of church and state and has instead moved in the opposite direction towards a renewed though weaker public status for religion, which, admittedly, can create delicate problems with regards to the equality between believers and non-believers.⁴¹

Ferrari points out that during the liberal period in the nineteenth century, few agreements were made between European states and the Rome. Liberal states legislated unilaterally. During the period between the two World Wars and beyond, however, there has been an upsurge of concordats and others agreements with the Roman Catholic church. Ferrari attributes this phenomenon to the 'general propensity of the contemporary state to adopt *negotiated* legislation [in contrast to *unilateral* legislation] with the most representative social groups'.⁴²

³⁸ See Steven Englund, 'Church and State in France since the Revolution', *Journal of Church and State*, 34.2 (1992), pp. 326-61.

³⁹ Silvio Ferrari (University of Milan) is Professor of Church-State Relations at the University of Parma, Italy.

⁴⁰ Quoted by Silvio Ferrari, 'Separation of Church and State in Contemporary European Society', *Journal of Church and State* 30.3 (1988), pp. 536-37.

⁴¹ *ibid.*, pp. 539-40.

⁴² *ibid.*, p. 540 (emphasis added).

He concludes,

Observation of contemporary reality might lead one to conclude that the liberal concept of separation is dead and, more significantly, that the cause of its demise should not be sought in a contingent change in the system of relationships between church and state but in the deep, overall, and probably irreversible transformation of society and its institutions.⁴³

Ferrari does not reject the concept of separation as such — it is the only the *liberal* concept for which he sees no role in modern Europe. He sees the basic concept as having its roots in the long-standing distinction between church and state.

[That distinction] developed historically in the West through Christianity. The concept of separation gives one version of this distinction, one of the many which has [sic] existed during the last twenty centuries. It still has something to teach all political and legal systems connecting the principle of freedom with the principle of equality in religion.⁴⁴

The foregoing illustrates the variety of ways in which different countries have gone about trying to resolve the issues of church-state relationships in a liberalised, pluralistic environment. It is evident that to think simply in terms of separation is inadequate. The changes which Ferrari sees in Europe, due primarily to the increased involvement of governments in the lives of people; the changed situation in the United States indicated by Wogaman, Gaustad, and the National Council of Churches *et al*, due to the same cause — both support what has been discovered in the course of this present study of the relationship between church and state in Queensland. Most people would agree that it is a good thing that the state should not be able to control the church, and that the church should not be in a position to dominate the state. But beyond that, the concept of separation is a rather negative thing. Nor are the categories of 'establishment' and 'disestablishment' sufficient to meet the needs of modern societies.

Explicit recognition is needed for the fact that churches and states do by their very natures interact and interweave. There is a very real relationship existing at both legal and less formal levels. With the majority of the population in Queensland still professing some degree of allegiance to one or another of the Christian churches, both the church and the state are still largely composed of the same body of people, and both share common concerns. While obviously the church has concerns in which the state has no interest, and vice-versa, at many points their interests do coincide, and then the two interact, either in a cooperative and complementary way, or in an antagonistic and possibly destructive manner.⁴⁵ A sense of the reality of the situation demands the

⁴³ Silvio Ferrari, 'Separation of Church and State in Contemporary European Society', *Journal of Church and State* 30.3 (1988), p. 542.

⁴⁴ *ibid.*, pp. 542-43.

⁴⁵ An example of this latter effect can be seen in the early 1860s in regard to the schools, where Tufnell and Quinn worked against the establishment of the state system of education, and some

recognition of this relationship by both church and state. To speak simply of the 'separation' of the two without extensive qualification and careful definition of meaning is misleading.

Chapter 1 looked at the early history of human society, showing how from the earliest periods known to us, the close conjunction of religious and civil headship was a given fact. The ruler and the religious leader were usually one and the same. To be a part of the civic community and to be a part of the religious community was one and the same. Church and state were the same society viewed from different aspects, and the modern distinction was inapplicable. That model prevailed for as long as unitary societies survived.

From its beginning, however, Queensland has been an explicitly pluralist society, which meant that the ancient model was inapplicable. If, however, as is argued above, there is still a wide spectrum of joint involvement and interaction between church and state, then there is not complete discontinuity between the ancient and the modern. To stress the discontinuity while ignoring the continuity would be to the detriment of society generally.

Cardinal Lustiger, the present Archbishop of Paris, in the on-going debate on church-state relations in France, has recently reminded the French government that the church and the state in that country share what he has termed a 'common memory'.⁴⁶ It is a very suggestive phrase, and could be applied fruitfully to the Australian scene, reminding us that while there have been great variations in both the church and the many states within which it has existed down the centuries, the contemporary church and the contemporary state share a common history, a common heritage — a '*common memory*' — stretching back over many generations.

from the government side looked for and worked for the early demise of the church schools.

⁴⁶ Steven England, 'Church and State in France since the Revolution', *Journal of Church and State*, 34.2 (1992), p. 341.

BIBLIOGRAPHY

A. CONTEMPORARY SOURCES

Manuscript and Typescript

- Aberdeen Papers. (British Library, selected items).
- Allan Papers. (Public Records Office, London, selected items).
- Benson Papers. (Lambeth Palace Library, selected items).
- Burdett-Coutts Papers. (Lambeth Palace Library, selected items).
- Carnarvon Papers. (Public Records Office, London, selected items).
- Colonial Office Records. (Public Records Office, London, selected items).
- Colonial Secretary/Home Secretary Correspondence. (Queensland State Archives).
- Davidson Papers. (Lambeth Palace Library, selected items).
- Diocese of Newcastle — Newcastle Church-Society Reports 1851-1860, Correspondence, Synod Minutes 1865-69. (Archives held at University of Newcastle).
- Donaldson Papers. (Anglican Archives Office, Archdiocese of Brisbane)
- Gladstone Papers. (British Library, selected items).
- Granville Papers. (Public Records Office, London, selected items).
- Hale Papers. (University of Bristol, selected items)
- Overseas Bishoprics Fund, various files.
- Peel Papers. (British Library, selected items).
- Premier's Department Records. (Queensland State Archives, selected items)
- Ripon Papers. (British Library, selected items).
- Russell Papers. (Public Records Office, London, selected items).
- Stanmore Papers. (British Library, selected items).
- Tait Papers. (Lambeth Palace Library, selected items).
- United Society for the Propagation of the Gospel. (London, selected items)

Government Publications

Queensland Votes and Proceedings (selected years).

Queensland Parliamentary Debates (selected years).

Queensland Parliamentary Papers (selected years).

Church Records (Note: In some instances the titles vary slightly from year to year)

Minutes of the General Assembly of the Presbyterian Church of Australia

Minutes of the General Assembly of the Presbyterian Church, State of Queensland

Minutes of the Annual Conference of the Methodist Church (Queensland)

Minutes of the Conference of the Methodist Church of Australasia

Minutes of the Assembly of the Queensland Congregational Union

Minutes of the Diocesan Council of the Diocese of Brisbane (Anglican)

Minutes of the Proceedings of the Synod of the Diocese of Brisbane (Anglican)

Minutes of the Proceedings of the Synod of the Province of Queensland (Anglican)

Published Works

Curteis, George Herbert. *Dissent in its Relation to the Church of England*. New ed. London: MacMillan and Co., 1873.

Dale, R. W. *History of English Congregationalism*. 2nd ed. London: Hodder and Stoughton, 1907.

Figgis, John Neville. *The Divine Right of Kings*. 2nd ed. with introd. by G. R. Elton. New York: Harper Torchbooks, 1914, 1965.

Gladstone, William Ewert. *The Royal Supremacy; as it is defined by Reason, History, and the Constitution* 3rd ed. London: John Murray, 1877.

Gray, Victor L. *Catholicism in Queensland*. Brisbane: Roberts & Russell, 1910.

Hay, Alexander. *Jubilee Memorial of the Presbyterian Church of Queensland*. Brisbane: Alex Muir & Co., 1900.

Kenny, J. A. *A History of the Commencement and Progress of Catholicity in Australia*. Sydney: F. Cunninghame, 1886.

Lang, G. S. *The Aborigines of Australia: In Their Original Condition and in Their Relations with the White Man*. Melbourne: Wilson & McKinnon, 1865.

Lang, John Dunmore, *An Historical and Statistical Account of New South Wales from the Foundation of the Colony in 1788 to the Present Day*, 2 vols. London: Cochrane and McCrone, 1834.

Lang, John Dunmore, *Religion and Education in America: with Notices of the State and*

BIBLIOGRAPHY

- Prospects of American Unitarianism, Popery, and African Colonisation.* London: Ward and Co., 1840.
- Lees, William. *The Aboriginal Problem in Queensland: How it is Being Dealt With: A Story of Life and Work under the New Acts.* Brisbane: City Printing Works, 1902.
- Legal Nexus. Case with Opinion Obtained from Counsel in England and in the Commonwealth.* Sydney: General Synod of Australia [Anglican], 1912.
- Lilley, Walter Osborne, *Reminiscences of Life in Brisbane, and Reflections and Sayings.* Brisbane: Smith and Paterson, 1913.
- Meston, Archibald. *Queensland Aborigines: Proposed System for their Improvement and Preservation, Addressed to the Honourable Horace Tozer, Colonial Secretary of Queensland.* Brisbane: Government Printer, 1895.
- Meston, Archibald. *Report on the Aborigines of Queensland.* Brisbane: Government Printer, 1896.
- Moran, Patrick Francis. *History of the Catholic Church in Australasia.* Sydney: Oceania Publishing Company, 1896
- Our First Half-Century: A Review of Queensland Progress Based upon Official Information.* Brisbane: Queensland Government Printer, 1909.
- Ridley, William. 'Journal of a Missionary Tour among the Aborigines of the Western Interior of Queensland, in the Year 1855', Appendix I in John Dunmore Lang, *Queensland, Australia; A Highly Eligible Field for Emigration, and the Future Cotton-Field of Great Britain; with a Disquisition on Origin, Manners, and Customs of the Aborigines.* London: E. Stanford, 1861.
- Wentworth, William Charles. *A Statistical Account of the British Settlements in Australasia: including the Colonies of New South Wales and Van Diemen's Land: with and enumeration of the advantages which they offer to emigrants ... and directions and advice to emigrants.* 3rd. ed. 2 vols., London, 1824.

Newspapers and Journals

Age (Brisbane).

Austral Star.

Australian (Brisbane).

Catholic Advocate (Brisbane).

Church Chronicle.

Colonial Church Chronicle (London).

Daily Mail.

Daily Standard.

Guardian, April 7 1860 - December 8 1860; then Queensland Guardian, December 15 1860 - April 2 1863; then Queensland Daily Guardian, 1863 - 1868; absorbed into Brisbane Courier.

Moreton Bay Courier June 1846 - May 1861; then Courier (Brisbane) June 1861 -April 1864; then Brisbane Courier April 1864 →.

Presbyterian Messenger (Brisbane).

Queensland Evangelical Standard, 1876 -1887.

Worker (Brisbane).

B. LATER WORKS

Books

Anderson, Paul B. *People, Church and State in Modern Russia*. London: SCM Press, 1944.

Arneil, Stan F. *Out Where the Dead Men Lie*. Brookvale: Augustinian Historical Commission, 1992.

Austin, A. G. *Australian Education 1788-1900: Church, State and Public Education in Colonial Australia*. 3rd ed. Melbourne: Isaac Pitman, 1972.

Austin, A. G., ed. *Select Documents in Australian Education 1788-1900*. Melbourne: Pitman (Aust.), 1963.

Bainton, Roland H. *Christian Attitudes Toward War and Peace: A Historical Survey and Critical Re-evaluation*. London: Hodder and Stoughton, 1961.

Baptism, Eucharist and Ministry. Geneva: World Council of Churches, 1982.

Bardon, Richard. *James Gibson*. Brisbane: Smith & Paterson, 1955.

Bardon, Richard. *The Centenary History of the Presbyterian Church of Queensland*. Brisbane: The Presbyterian Church of Queensland, 1949.

Barracclough, Geoffrey. *The Medieval Papacy*. London: Thames and Hudson, 1968.

Barrett, John. *That Better Country: The Religious Aspect of Life in Eastern Australia, 1835-1850*. Melbourne: Melbourne University Press, 1966.

Barth, Karl. *Church and State*. trans. G. Ronald Howe. London: SCM Press, 1939.

Beaglehole, J. C., ed. *The Journals of Captain James Cook on his Voyages of Discovery: The Voyage of the Endeavour*. Cambridge: for the Hakluyt Society, 1955.

Beckett, J. C. *The Making of Modern Ireland: 1603-1923*. London: Faber and Faber, 1966.

Best, G. F. A. *Temporal Pillars: Queen Anne's Bounty, the Ecclesiastical Commissioners, and the Church of England*. Cambridge: Cambridge University Press, 1964.

- Bettenson, Henry, ed. *Documents of the Christian Church*. 2nd ed. Oxford: Oxford University Press, 1963.
- Bindoff, S. T. *Tudor England*. Harmondsworth: Penguin Books, 1950.
- Black, Alan W., ed. *Religion in Australia: Sociological Perspectives*. Sydney: Allen & Unwin, 1991.
- Blackburn, Maurice. *The Conscription Referendum of 1916*. Melbourne: Anti-Conscription Celebration League, n.d. [in 1930s].
- Boland, Thomas Patrick. *James Duhig*. St. Lucia: University of Queensland Press, 1986.
- Bollen, J. D. *Protestantism and Social Reform in New South Wales 1890-1910*. Melbourne: Melbourne University Press, 1972.
- Bollen, J. D. *Religion in Australian Society*. Enfield: Leigh College, 1973.
- Bolton, Geoffrey C. *A Thousand Miles Away: A History of North Queensland to 1920*. Brisbane: Jacaranda Press, 1973.
- Border, Ross. *Church and State in Australia 1788-1872: A Constitutional History of the Church of England in Australia*. London: SPCK, 1962.
- Brady, John and Patrick J. Corish. 'The Church under the Penal Code'. Pt. 2 in *A History Irish Catholicism*. Vol. IV. Dublin: Gill and Macmillan, 1971.
- Breward, Ian. *Australia: "The Most Godless Place Under Heaven"?*. Adelaide: Lutheran Publishing House, 1988.
- Briggs, John and Ian Sellers., eds. *Victorian Nonconformity*. London: Edward Arnold, 1973.
- Broome, Richard. *Treasure in Earthen Vessels: Protestant Christianity in New South Wales Society 1900-1914*. St. Lucia: University of Queensland Press, 1980.
- Brown, C. K. Francis. *The Church's Part in Education 1833-1941*. London: National Society and SPCK, 1942.
- Butler, Perry. *Gladstone: Church, State, and Tractarianism: A Study of his Religious Ideas and Attitudes, 1809-1859*. Oxford: Clarendon Press, 1982.
- Bygott, Ursula Mary Lorna. *With Pen and Tongue: the Jesuits in Australia 1865-1939*. Melbourne: Melbourne University Press, 1980.
- Byrne, Neil Joseph. *Robert Dunne: 1830-1917: Archbishop of Brisbane*. St. Lucia: University of Queensland Press, 1991.
- Cadoux, C. John. *The Early Christian Attitude to War: A Contribution to the History of Christian Ethics*. New York: Seabury Press, 1919.
- Calvin, John. *Institutes of the Christian Religion*. trans. F. W. Battles. Library of Christian Classics, vols. 20-21. London: SCM, 1960.
- Campion, Edmund. *Australian Catholics*. Ringwood: Viking-Penguin Books Australia, 1987.

- Cargill Thompson, W. D. J. *Studies in the Reformation: Luther to Hooker*, ed. by C. W. Dugmore. London: Athlone Press, 1980.
- Chadwick, Owen. *The Spirit of the Oxford Movement: Tractarian Essays*. Cambridge: Cambridge University Press, 1990.
- Charlesworth, Max. *Church, State, and Conscience*. St. Lucia: University of Queensland Press, 1973.
- Church and State: Report of the Archbishops' Commission*. London: Church Information Office, 1970.
- Cilento, Raphael and Clem Lack, eds. *Triumph in the Tropics: An Historical Sketch of Queensland*. Brisbane: Smith and Paterson Pty. Ltd., 1959.
- Clark, Charles Manning Hope. *A History of Australia*, vols. I-V. Melbourne: Melbourne University Press, 1962-81.
- Clark, Charles Manning Hope, ed. *Select Documents in Australian History, 1788-1850*. Sydney: Angus and Robertson, 1955.
- Clark, Charles Manning Hope, ed. *Select Documents in Australian History, 1851-1900*. Sydney: Angus and Robertson, 1950.
- Clasen, Claus-Peter. *Anabaptism: a Social History, 1525-1618*. New York: Cornell University Press, 1972.
- Corish, Patrick J. 'The Origins of Catholic Nationalism'. Pt. 8 in *A History Irish Catholicism*. vol. III. Dublin: Gill and Macmillan, 1968.
- Cross, Claire. *Church and People 1450-1660: The Triumph of the Laity in the English Church*. Glasgow: William Collins, 1976.
- Crowley, Frank, ed. *A Documentary History of Australia*, vols 1-4. Melbourne: Nelson, 1973-80.
- Cryle, Denis. *The Press in Colonial Queensland: A Social and Political History 1845-1875*. St. Lucia: University of Queensland Press, 1989.
- Cullmann, Oscar. *The State in the New Testament*. rev. ed. London: SCM Press, 1963.
- Dalton, D. J., ed. *Lectures on North Queensland History*. 2nd Series. Townsville: James Cook University, 1975.
- Daniel-Rops, Daniel. *The Catholic Reformation*. London: Dent & Sons, 1962.
- Daniel-Rops, Daniel. *The Church in the Seventeenth Century*. London: Dent & Sons, 1963.
- Daw, E. D. *Church and State in the Empire: The Evolution of Imperial Policy 1846-1856*. Canberra: Department of Government, Faculty of Military Studies, University of New South Wales. Occasional Monograph No. 1, 1977.
- Dickens, A. G.. *The English Reformation*. rev. ed. London: Fontana, 1967.
- Dingle, R. S. C., ed. *Annals of Achievement: A Review of Queensland Methodism 1847-1947*. Brisbane: Queensland Book Depot, 1947.

BIBLIOGRAPHY

- Dow, Gwyneth M. *George Higinbotham: Church and State*. Melbourne: Isaac Pitman, 1964.
- Duncan, Bruce. *The Church's Social Teaching: From Rerum Novarum to 1931*. North Blackburn: Collins Dove, 1991.
- Ehler, Sidney Z. and John B. Morrall., eds., *Church and State Through the Centuries: A Collection of historic documents with commentaries*. London: Burns & Oates, 1954.
- Eliade, Mircea, ed. *Encyclopaedia of Religion*. New York: Macmillan Publishing, 1987. A. G.. 'Church and State' by Harold J. Berman & John Witte, Jr.
- Elton, G. R. *Reformation Europe*. London: Collins, 1963.
- Ely, R. *Unto God and Ceasar, Religious Issues in the Emerging Commonwealth, 1891-1906*. Melbourne: Melbourne University Press, 1976.
- Encyclopaedia Britannica*, 1963 ed. Chicago: William Benton. G. R. 'Laissez-Faire,' by H. J. Laski; 'Liberalism,' by M. Lerner.
- Field, Laurence Melville. *The Forgotten War: Australian Involvement in the South African Conflict of 1899-1902*. Melbourne: Melbourne University Press, 1979.
- Finn, Paul. *Law and Government in Australia*. Melbourne: Oxford University Press, 1987.
- Fitzgerald, Ross. *From 1915 to the Early 1980s: A History of Queensland*. Brisbane: University of Queensland Press, 1984.
- Fitzgerald, Ross. *From the Dreaming to 1915: A History of Queensland*. Brisbane: University of Queensland Press, 1982.
- Fogarty, Ronald. *Catholic Education in Australia 1806-1950*. 2 vols. Melbourne: Melbourne University Press, 1959.
- Frazer, James George. *The Golden Bough: A Study in Magic and Religion*. abr. ed. London: Macmillan & Co. Ltd., 1922.
- Garbett, Cyril. *Church and State in England*. London: Hodder & Stoughton, 1950.
- Gaustad, E. S. 'Church, State, and Education in Historical Perspective', *Journal of Church and State* 26 (1984).
- Getzler, I. *Neither Toleration nor Favour: The Australian Chapter of Jewish Emancipation*. Melbourne: Melbourne University Press, 1970.
- Giles, R. A. *The Constitutional History of the Australian Church*. London: Skeffington, 1929.
- Greenslade, S. L. *Church & State from Constantine to Theodosius*. London: SCM Press, 1954.
- Greenwood G. and C. Grimshaw, eds. *Documents on Australian International Affairs, 1901-1918*. Melbourne: Thomas Nelson, 1977.

- Gregory, J. S. 'Church and State, and Education in Victoria to 1872', in *Melbourne Studies in Education 1958-1959*. ed. E.L. French. Melbourne: Melbourne University Press, 1960.
- Gregory, J. S. *Church and State: Changing Government Policies towards Religion in Australia; with particular reference to Victoria since Separation*. Melbourne: Cassell Australia, 1973.
- Gunson, W. N. 'The Nundah Missionaries', *Journal of the Royal Historical Society of Queensland*, VI.3, 1960-61.
- Halevy, Elie. *A History of the English People in the Nineteenth Century — I: England in 1815*. 2nd ed. London: Ernest Benn, 1949.
- Halévy, Elie. *England in 1815*. trans E.I. Watkin and D.A. Barker. 2nd ed. London: Ernest Benn Ltd., 1949.
- Halévy, Elie. *The Triumph of Reform 1830-1841*. trans. E.I. Watkin. 2nd ed. London: Ernest Benn, 1950.
- Harris, Dorothy, Douglas Hynd and David Millikan, eds. *The Shape of Belief: Christianity in Australia Today*. Homebush: Lancer Books, 1982.
- Harris, John. *One Blood: 200 Years of Aboriginal Encounter with Christianity: A Story of Hope*. Sutherland: Albatross Books, 1990.
- Hennell, Michael. *John Venn and the Clapham Sect*. London: Lutterworth Press, 1958.
- Hennell, Michael. *Sons of the Prophets: Evangelical Leaders of the Victorian Church*. London: SPCK, 1979.
- Herron, Andrew. *Kirk by Divine Right: Church and State: peaceful co-existence*. Edinburgh: The Saint Andrew Press, 1985.
- Hey, J. N. *A Brief History of the Presbyterian Church's Mission Enterprise Among the Australian Aborigines*. Sydney: New Press, 1931.
- Hicks, Neville. *'This Sin and Scandal': Australia's Population Debate 1891-1911*. Canberra: Australian National University Press, 1978.
- Hogan, Michael. *The Sectarian Strand: Religion in Australian History*. Ringwood: Penguin Books Australia, 1987.
- Howe, Morgan B. *Aborigines and Christians*. Brisbane: The Foundation of Aboriginal and Islander Research Action Ltd., 1977.
- Inglis, K. S. *Churches and the Working Classes in Victorian England*. London: Routledge and Kegan Paul, 1963.
- James, E. O. *Myth and Ritual in the Ancient Near East: An Archeological and Documentary Study*. London: Thames and Hudson, 1958.
- Janelle, Pierre. *The Catholic Reformation* Milwaukee: Bruce Publishing, 1963.
- Jarman, T. L. *Landmarks in the History of Education: English Education as part of the European Tradition*. London: The Cresset Press, 1951.

BIBLIOGRAPHY

- Johnston, W. Ross, ed. *A Documentary History of Queensland*. St. Lucia: University of Queensland Press, 1988.
- Johnstone, S. M. *Samuel Marsden: A Pioneer of Civilization in the South Seas*. Sydney: Angus & Robertson, 1932.
- Jones, R. T. *Congregationalism in England: 1662-1962*. London: Independent Press, 1962.
- Joyce, Roger B. *Samuel Walker Griffith*. St. Lucia: University of Queensland Press, 1984.
- Kenyon, J. P. *Stuart England*. Harmondsworth: Penguin Books, 1978.
- Kerr, H. T, ed. *Readings in Christian Thought*. Nashville: Abingdon, 1966.
- Knox, Bruce, ed. *The Queensland Years of Robert Herbert, Premier: Letters and Papers*. St. Lucia: University of Queensland Press, 1977.
- Latourette, Kenneth Scott. *A History of Christianity*. London: Eyre and Spottiswood, 1954.
- Latourette, Kenneth Scott. *Christianity in a Revolutionary Age*. Vols. 1 & 3. Exeter: Paternoster Press, 1970.
- Lawson, Ronald. *Brisbane in the 1890s*. St. Lucia: University of Queensland Press, 1973.
- Lecler, Joseph. *The Two Sovereignties: A Study of the Relationship Between Church and State*. trans. Hugh Montgomery. London: Burns Oates & Washbourne, 1952.
- Littell, Franklin Hamlin. *The Anabaptist View of the Church*. Boston: Starr King Press, 1958.
- Littell, Franklin Hamlin. *From State Church to Pluralism: A Protestant Interpretation of Religion in American History*. New York: Anchor Books, 1962.
- Loos, Noel A. 'A Conflict of Faiths: Aboriginal Reactions to Christian Missions in North Queensland', in *Lectures on North Queensland History*, 2nd Series, ed. D. J. Dalton. Townsville: James Cook University, 1975.
- Loos, Noel A. *Invasion and Resistance: Aboriginal-European Relations on the North Queensland Frontier 1861-1897*. Canberra: Australian National University Press, 1982.
- Luther, Martin. *Luther's Works*, vol. 45. Philadelphia: Fortress Press, 1962.
- MacDonagh, Oliver, and W. F. Mandle, eds. *Ireland and Irish-Australia: Studies in Cultural and Political History*. London: Croom Helm, 1986.
- Machin, G. I. T. *Politics and the Churches in Great Britain 1832-1868*. Oxford: Clarendon Press, 1977.
- Macintosh, Neil K. *Richard Johnson: Chaplain to the Colony of New South Wales: His Life and Times 1755- 1827*. Sydney: Library of Australian History, 1978.

- MacIntyre, Alasdair. *Secularization and Moral Change*. London: Oxford University Press, 1967.
- McKernan, Michael. *The Australian People and the Great War*. Melbourne: Thomas Nelson, 1980.
- McKernan, Michael. *Australian Churches at War*. Sydney: Catholic Theological Faculty, 1980.
- McKernan, Michael. *Padre: Australian Chaplains in Gallipoli and France*. Sydney: Allen & Unwin, 1986.
- McKinlay, Brian, ed. *Australian Labor History in Documents*. 3 vols. Melbourne: Collins Dove, 1990.
- Mackintosh, William H. *Disestablishment and Liberation: The Movement for the Separation of the Anglican Church from State Control*. London: Epworth Press, 1972.
- McLay, Yvonne Margaret. *James Quinn: First Catholic Bishop of Brisbane*. Armadale: Graphic Books, 1979.
- McMinn, Winston Gregory. *A Constitutional History of Australia*. Melbourne: Oxford University Press, 1979.
- Maguire, John. *Prologue: a history of the Catholic Church as seen from Townsville 1863-1983*. Toowoomba: Church Archivists' Society, 1990.
- Maritain, Jacques. *The Things that are not Caesar's*. trans. J. F. Scanlan. London: Sheed & Ward, 1939.
- Mayor, Stephen. *The Churches and the Labour Movement*. London: Independent Press, 1967.
- Meyerowitz, Eva L. R. *The Divine Kingship in Ghana and Ancient Egypt*. London: Faber and Faber, 1960.
- Molony, John N. *The Roman Mould of the Australian Catholic Church*. Melbourne: Melbourne University Press, 1969.
- Moody, T. W. and F. X. Martin, eds. *The Course of Irish History*. Cork: The Mercier Press, 1967.
- Moorman, J. R. H. *A History of the Church in England*. 2nd ed. London: Adam and Charles Black, 1967.
- Mueller, William A. *Church and State in Luther and Calvin: A Comparative Study*. Nashville: Broadman Press, 1954.
- Murphy, D. J. ed. *The Big Strikes: Queensland 1889-1965*. St. Lucia: University of Queensland Press, 1983.
- Murphy, D. J. and R. B. Joyce, eds. *Queensland Political Portraits 1859-1952*. St. Lucia: University of Queensland Press, 1978.
- Murray, A. Victor. *The State and the Church in a Free Society*. Cambridge: Cambridge University Press, 1958.

BIBLIOGRAPHY

- Murray, Robert H. *The Individual and the State: Their Relationship historically considered with some of its Bearings on the Future of Civilisation*. London: Hutchinson & Co., n.d.
- Nairn, N. B., A. G. Serle, and R. B. Ward, eds. *Australian Dictionary of Biography*, vol. 3: 1851-1890. Melbourne: Melbourne University Press, 1969), s.v. 'Challinor, Henry', by Douglas Gordon.
- Nairn, N. B., A. G. Serle, and R. B. Ward, eds., *Australian Dictionary of Biography*, vol. 3: 1851-1890. Melbourne: Melbourne University Press, 1969. S.v. 'Challinor, Henry', by Douglas Gordon; vol. 6: 1851-1890. Melbourne: Melbourne University Press, 1976. S.v. 'Ridley, William (1819-1878)' by Niel Gunson.
- Norman, E. R. *Church and Society in England 1770-1970: A Historical Study*. Oxford: Clarendon Press, 1976.
- O'Donoghue, M. X. *Mother Vincent Whitty: Woman and Educator in a Masculine Society*. Carlton: Melbourne University Press, 1972.
- O'Farrell, Patrick, ed. *Documents in Australian Catholic History*. 2 vols. London: Geoffrey Chapman, 1969.
- O'Farrell, Patrick. *The Catholic Church and Community: An Australian History*. rev. ed. Kensington: New South Wales University Press, 1985.
- Oxford Dictionary of the Christian Church*. London: Oxford University Press, 1958.
- Ozment, S. E. *Mysticism and Dissent: Religious Ideology and Social Protest in the Sixteenth Century*. New Haven: Yale University Press, 1973.
- Parker, T. M. *Christianity and the State in the Light of History*. London: Adam and Charles Black, 1955.
- Parry, J. P. *Democracy and Religion: Gladstone and the Liberal Party 1867-1875*. Cambridge: Cambridge University Press, 1986.
- Peachey, P. P. 'The Radical Reformation, Political Pluralism, and the Corpus Christianum', in *The Origins and Characteristics of Anabaptism*, ed. Marc Lienhard. The Hague: Martinus Nijhoff, 1977.
- Phillips, Beverley. *The Church's Involvement in Aboriginal Affairs*. Brisbane: Uniting Church in Australia, Queensland Synod, 1981.
- Phillips, Walter. *Defending a Christian Country*. St. Lucia: University of Queensland Press, 1981.
- Phillips, Walter. *The Protestant Churchmen's Campaign against Secularism in Australia in the Late Nineteenth Century*. Melbourne: Uniting Church Historical Society, 1983.
- Plato. *The Republic of Plato*, translated with Introduction and Notes by F. M. Cornford. Oxford: Oxford University Press, 1941.
- Plumb, J. H. *England in the Eighteenth Century*. Harmondsworth: Penguin Books, 1950.

- Porter, Brian, ed. *Colonial Tractarians: The Oxford Movement in Australia*. Melbourne: The Joint Board of Christian Education, 1989.
- Prentis, Malcolm D. *The Scots in Australia: A Study of New South Wales, Victoria and Queensland, 1788-1900*. Sydney: Sydney University Press, 1983.
- Reynolds, Henry. *The Other Side of the Frontier : An Interpretation of the Aboriginal Response to the Invasion and Settlement of Australia*. Townsville: James Cook University, 1981.
- Rowley, C. D. *The Destruction of Aboriginal Society*. Canberra: Australian National University Press, 1970.
- Scott, Ernest, ed. *Australia*. A re-issue of vol VII, pt. I of the *Cambridge History of the British Empire*, with a new introd. by G. C. Bolton. Cambridge: Cambridge University Press, 1933, 1988.
- Shaw, A. G. L. and C. M. H. Clark, eds. *Australian Dictionary of Biography*, vol.. 1: 1788-1850. Melbourne: Melbourne University Press, 1966. S.v. 'Handt, Johann Christian Simon (1794-1863)', by Keith Rayner.
- Shaw, George P. *Patriarch and Patriot: William Grant Broughton 1788-1853*. Melbourne: Melbourne University Press, 1978.
- Sheils, W. J., ed. *The Church and War*. Oxford: Basil Blackwell, 1983.
- Sheldon, Garrett Ward, ed. *Religion and Politics: Major Thinkers on the Relation of Church and State*. New York: Peter Lang Publishing, 1990.
- Southern, R. W. *Western Society and the Church in the Middle Ages*. Harmondsworth: Penguin Books, 1970.
- Stauffer, Ethelbert. *Christ and the Caesars*. trans. K. and R. Gregor Smith. London: SCM Press, 1955.
- Stevenson, J., ed. *A New Eusebius: Documents illustrative of the history of the Church to A.D. 337*. London: SPCK, 1965.
- Stevenson, J., ed. *Creeds, Councils and Controversies: Documents illustrative of the history of the Church A.D. 337-461*. London: SPCK, 1966.
- Suttor, T. L. *Hierarchy and Democracy in Australia 1788-1870*. Melbourne: Melbourne University Press, 1965.
- Swain T. and D. B. Rose, eds., *Aboriginal Australians and Christian Missions*. Adelaide: Australian Association for the Study of Religion, 1988.
- Temple, William. *Christianity and the State*. London: Macmillan and Co., 1928.
- The Sacral Kingship: Contributions to the Theme of the VIIIth International Congress for the History of Religions. Rome, April 1955*. Leiden, 1959.
- The University of Queensland, 1910-1922*. Brisbane: Government Printer, 1923.
- Theile, F. O. *One Hundred Years of the Lutheran Church in Queensland*. Brisbane: United Evangelical Lutheran Church, 1938.

BIBLIOGRAPHY

- Thompson, David M., ed. *Nonconformity in the Nineteenth Century*. London: Routledge and Kegan Paul, 1972.
- Thomson, David. *England in the Nineteenth Century*. Harmondsworth: Penguin Books, 1978.
- Tierney, Brian. *The Crisis of Church & State 1050-1300*. Eaglewood Cliffs: Prentice-Hall, 1964.
- Tonkin, John. *The Church and the Secular Order in Reformation Thought*. New York: Columbia University Press, 1971.
- Turner, Naomi. *Sinews of Sectarian Warfare? State Aid in New South Wales 1836-1862*. Canberra: Australian National University Press, 1972.
- Wall, Maureen. 'The Age of the Penal Laws (1691-1778)', ch. 14 in T.W. Moody., ed. *The Course of Irish History*. Cork: The Mercier Press, 1967.
- Waterson, D. B. *Squatter, Selector, and Storekeeper: A History of the Darling Downs, 1859-93*. Sydney: Sydney University Press, 1968.
- Watson, Philip S. *The State as Servant of God*. London: SPCK, 1946.
- Wendel, F. *Calvin: the Origins and Development of His Religious Thought* trans. P. Mairet. London: Collins, 1963.
- Williams, G. R. *The Radical Reformation*. London: Weidenfeld and Nicholson, 1962.
- Windschuttle, Elizabeth, ed., *Women, Class and History: Feminist Perspectives in Australia, 1788-1978*. Melbourne: Fontana/Collins, 1980.
- Wood, James E. Jr., ed. *Readings on Church and State*. Waco: J. M. Dawson Institute of Church-State Studies, 1989.
- Woolmington, Jean, ed. *Religion in Early Australia: the Problem of Church and State*. Sydney: Cassell Australia, 1976.
- World Council of Churches. *Church and State: Opening a New Ecumenical Discussion*. Geneva: World Council of Churches, 1978.
- Yarwood, A. T. *Samuel Marsden: The Great Survivor*. Melbourne: Melbourne University Press, 1977.
- Yates, Gerard F., ed. *Papal Thought on the State: Excepts from Encyclicals and Other Writings of Recent Popes*. New York: Appleton-Century-Crofts, 1958.

Journal Articles

- Barclay, E. 'Queensland's Contagious Diseases Act, 1868 — "the Act for the Encouragement of Vice" and some nineteenth century attempts to repeal it. Part I.' *Queensland Heritage* 2.10 (1974), 27-34.
- Barclay, E. 'Queensland's Contagious Diseases Act, 1868 — "the Act for the Encouragement of Vice" and some nineteenth century attempts to repeal it. Part II.' *Queensland Heritage* 3.1 (1974), 21-29.

- Bayton, J. 'Mission to the Aborigines at Somerset.' *Journal of Royal Historical Society of Queensland* 7.3 (1964-65), 622-633.
- Benjamin, Walter W. 'Separation of Church and State: Myth and Reality.' *Journal of Church and State* 11.1 (1969), 93-109.
- Boland, Tom. 'Australian Missions.' *Nelen Yubu* 5 (1980), 3-21.
- Bollen, J. D. 'English Missionary Societies and the Australian Aborigine.' *The Journal of Religious History* 9.3 (1977), 263-91.
- Bollen, J. D. 'Temperance and the Liberal Party in New South Wales politics, 1900-1904.' *The Journal of Religious History* 1.3 (1961), 160-82.
- Bowden, Henry Warner. 'A Historian's Response to the Concept of American Civil Religion.' *Journal of Church and State* 17.3 (1975), 495-505.
- Cable, K. J. 'Protestant Problems in New South Wales in mid 19th Century.' *The Journal of Religious History* 3.2 (1964), 119-136.
- Cahill, A. E. 'Catholicism and Socialism: The 1905 Controversy in Australia.' *The Journal of Religious History* 1.2 (1960), 88-101.
- Cahill, A.E. 'Catholics and Politics in New South Wales.' *The Journal of Religious History* 4.1 (1966), 63-70.
- Cochran, Clarke E. 'Public/Private — Secular/Sacred: A Context for Understanding the Church-State Debate.' *Journal of Church and State* 29.1 (1987), 113-125.
- Daw, E. D. 'Church and State in Queensland: Aspects of Anglicanism in the 1860s.' *The Australian Journal of Politics and History* 23.3 (1977), 360-372.
- Daw, E. D. 'Church and State in the Empire: the Conference of Australian Bishops 1850.' *Journal of Imperial and Commonwealth History* 5.3 (1977), 251-269.
- Daw, E. D. 'Synodical Government for the Church of England in N.S.W.: the First Attempt.' *The Journal of Religious History* 6.2 (1970), 151-176.
- Daw, E. D. 'The Free Churches of England in Queensland.' *Queensland Heritage* 3.2 (1975), 3-6.
- de Albornoz, A.F.Carrillo. 'Ecumenical Perspectives of the Vatican Declaration on Religious Liberty.' *Journal of Church and State* 8.3 (1966), 445-56.
- Doyle, Denise J. 'Religious Freedom and Canadian Church Privileges.' *Journal of Church and State* 26.2 (1984), 293-311.
- Elford, K. 'The Theology of Participation: John Dunmore Lang and Direct Clerical Representation in Politics.' *The Journal of Religious History* 5.3 (1969), 218-32.
- Englund, Steven. 'Church and State in France since the Revolution.' *Journal of Church and State* 34.2 (1992), 325-61.
- Evans, Kay Elizabeth. 'Marie Yamba, Bloomfield and Hope Vale: the Lutheran Missions to the North Queensland Aborigines 1886-1905.' *Queensland Heritage* 2.6 (1972), 26-35.

BIBLIOGRAPHY

- Ferrari, Silvio. 'Separation of Church and State in Contemporary European Society.' *Journal of Church and State* 30.3 (1988), 533-47.
- Garrett, James Leo. 'Does Church-State Separation Necessarily Mean the Privatization of Religion.' *Journal of Church and State* 18.3 (1976), 209-16.
- Gaustad, Edwin S. 'Church and State Re-Examined: A Baptist View.' *Journal of Church and State* 4.1 (1962), 76-82.
- Gaustad, Edwin S. 'Church, State, and Education in Historical Perspective.' *Journal of Church and State* 26.1 (1984), 17-29.
- Gawne, P. C. 'State Aid to Religion and Primary Education in Queensland, 1860.' *The Journal of Religious History* 9.1 (1976), 50-64.
- Grose, K. '1847: The Educational Compromise of the Bishop of Australia.' *The Journal of Religious History* 1.4 (1961), 233-248.
- Hastings, C. B. 'Hugues-Félicité Robert de Lamennais: A Catholic Pioneer of Religious Liberty.' *Journal of Church and State* 30.2 (1988), 321-339.
- Hughes, Richard T. 'Civil Religion, the Theology of the Republic, and the Free Church Tradition.' *Journal of Church and State* 22.1 (1980), 75-87.
- Hutchinson, Mark. 'History as Civil Religion: Writing Australian History in the Nineteenth Century.' *The Journal of Religious History* 16.2 (1990), 185-201.
- Jenkins, Julian. 'War Theology, 1914 and Germany's *Sonderweg*: Luther's Heirs and Patriotism.' *The Journal of Religious History* 15.3 (1989), 292-310.
- Johnson, Dale A. 'Church and Society in Modern History: Beyond Church and State.' *Journal of Church and State* 19.3 (1977), 495-516.
- Kaye, Bruce. 'Is a Theology of the State Possible in Plural Australia?' *Colloquium: The Australian and New Zealand Theological Review* 18.1 (1985), 54-60.
- Kelley, Dean M. 'Beyond Separation of Church and State.' *Journal of Church and State* 5.2 (1963), 181-98.
- Kirkley, Evelyn A. '“This Work is God's Cause”: Religion in the Southern Woman Suffrage Movement, 1820-1920.' *Church History* 59.4 (1990), 507-22.
- Kowalewski, David, and Arthur L. Greil. 'Religion as Opiate: Church and Revolution in Comparative Structural Perspective.' *Journal of Church and State* 32.3 (1990), 511-526.
- Latourette, Kenneth Scott. 'Colonialism and Missions: Progressive Separation.' *Journal of Church and State* 7.3 (1965), 330-49.
- Lawson, Ronald. 'The Political Influence of the Churches in Brisbane in the 1890s.' *The Journal of Religious History* 7.2 (1972), 144-162.
- Littell, Franklin H. 'Religious Liberty in a Pluralistic Society.' *Journal of Church and State* 8.3 (1966), 430-44.
- Loos, Noel. 'The Australian Board of Missions, The Anglican Church and the Aborigines, 1850-1900.' *The Journal of Religious History* 17.2 (1992), 194-209.

- Love, Thomas T. 'Contemporary Conservative Roman Catholic Church-State Thought.' *Journal of Church and State* 7.1 (1965), 18-29.
- McAllister, Ronald J. 'Religion in the Public Arena: A Paradox of Secularization.' *Journal of Church and State* 30.1 (1988), 15-31.
- Malchow, Howard L. 'The Church and Emigration in Late Victorian England.' *Journal of Church and State* 24.2 (1982), 119-138.
- Maston, T. B. 'The Church, the State, and the Christian Ethic.' *Journal of Church and State* 2.1 (1960), 26-36.
- Mitchell, Stephen R. 'Church and State in the United States: A Summary of the Legal Issues.' *Journal of Church and State* 6.1 (1964), 15-35.
- Morrison, A. A. 'Religion and Politics in Queensland to 1881.' *Journal of the Royal Historical Society of Queensland* 7.1 (1951), 458-465.
- Morrison, A. A. 'The Brisbane General Strike of 1912', *Historical Studies, Australia and New Zealand* 4.14 (May, 1950), 125-144.
- Mueller, Gustav E. 'Hegel on the Relation of Church and State.' *Journal of Church and State* 5.1 (1963), 95-104.
- Murphy, Denis. 'Religion, Race and Conscription in World War 1.' *The Australian Journal of Politics and History* 20.2 (1974), 155-163.
- National Council of Churches. 'Separation and Interaction of Church and State.' *Journal of Church and State* 6.1 (1964), 147-53.
- Obermayer, Klaus. 'State and Religion in the Federal Republic of Germany.' *Journal of Church and State* 17.1 (1975), 97-111.
- Phillips, Walter. "'Six O'Clock Swill': The Introduction of Early Closing of Hotel Bars in Australia.' *Historical Studies* 19 (1980), 250-266.
- Richards, H. J. 'Brisbane's First Bishop: The Right Reverend Edward Wyndham Tufnell.' *Queensland Heritage* 3.5 (1976), 17-25.
- Richards, Noel J. 'Disestablishment of the Anglican Church in the Late Nineteenth Century: Reasons for Failure.' *Journal of Church and State* 12.2 (1970), 193-211.
- Richards, Noel J. 'Political Nonconformity at the Turn of the Twentieth Century.' *Journal of Church and State* 17.2 (1975), 239-58.
- Romanides, John S. 'The Orthodox Churches on Church-State Relations and Religious Liberty.' *Journal of Church and State* 6.2 (1964), 178-89.
- Schneider, Fred D. 'The Anglican Quest for Authority: Convocation and the Imperial Factor, 1850-60.' *The Journal of Religious History* 9.2 (1976), 139-157.
- Shaw, George P. ' "Filched from us ..."; The Loss of Universal Manhood Suffrage in Queensland 1859-1863' in *The Australian Journal of Politics and History* 26.3 (1980), 372-85.
- Shaw, George P. 'Patriotism versus Socialism: Queensland's Private War, 1916.' *The Australian Journal of Politics and History* 19.2 (1973), 167-178.

BIBLIOGRAPHY

- Snyder, David C. 'John Locke and the Freedom of Belief.' *Journal of Church and State* 30.2 (1988), 227-243.
- Thorpe, William. 'Archibald Meston and Aboriginal Legislation in Colonial Queensland.' *Historical Studies* 21.82 (1984), 52-67.
- Tyrrell, Ian. 'International Aspects of the Women's Temperance Movement in Australia: The Influence of the American WCTU.' *The Journal of Religious History* 12.3 (1983), 284-304.
- Walsh, David. 'The Role of the Church in the Modern World.' *Journal of Church and State* 29.1 (1987), 63-77.
- Way, H. Frank. 'The Death of the Christian Nation: The Judiciary and Church-State Relations.' *Journal of Church and State* 29.3 (1987), 509-529.
- Weber, Francis J. 'American Church-State Relations: A Catholic View.' *Journal of Church and State* 7.1 (1965), 30-34.
- Withycombe, Robert. 'The Anglican Episcopate in England and Australia in the Early Twentieth Century: Towards a Comparative Study.' *The Journal of Religious History* 16.2 (1990), 154-172.
- Wogaman, Philip. 'The Changing Role of Government and the Myth of Separation.' *Journal of Church and State* 5.1 (1963), 61-76.
- Wood, James E. Jnr. 'A Free Church in a Free Society.' *Journal of Church and State* 10.1 (1968), 5-12.
- Wood, James E. Jnr. 'Church, State, and Missions.' *Journal of Church and State* 7.3 (1965), 317-29.
- Wood, James E. Jnr. 'The Christian State.' *Journal of Church and State* 6.3 (1964), 277-87.
- Wood, James E. Jnr. 'The Prophetic Role of Religion in Society.' *Journal of Church and State* 30.2 (1988), 219-225.
- Wood, James E. Jnr. 'Religion and Education in American Church-State Relations.' *Journal of Church and State* 26.1 (1984), 31-54.

Theses

- Byrne, Neil Joseph. 'Bishop Robert Dunne: A Study of his Attempts to implement Catholic Social Policy in Southern Queensland 1863-1885'. M. Qual. thesis, University of Queensland, 1981.
- Cryle, M. 'Duncan McNab's Mission to the Queensland Aborigines 1875-1880'. B.A. thesis, University of Queensland, 1989.
- Endicott, Michael Ambrose. 'A History of the Roman Catholic Vicariate of Cooktown, 1877-1941'. Ph.D. thesis, University of Queensland, 1984.
- Evans, K. E. 'Missionary Effort towards the Cape York Aborigines 1886-1910'. B.A. thesis, University of Queensland, 1969.

- Evans, R. 'European-Aboriginal Relations in Queensland'. B.A. thesis, University of Queensland, 1965.
- Gillett, A. 'Opium Smoking in Australia 1850-1915'. B.A. thesis, University of Queensland, 1986.
- Gilley, S. W. 'Catholic Social and Political Attitudes in Queensland, 1870-1890'. B.A. thesis, University of Queensland, 1966.
- Graham, N. I. 'Sir George Bowen's Governorship of Queensland 1859-1867'. M.A. thesis, University of London, 1961.
- Harrison, John. 'Missions, Fisheries and Government in Far North Queensland 1891-1919'. B.A. thesis, University of Queensland, 1974.
- Hoskyn, G. 'The Aboriginal Reserves in Queensland 1871-1885; And the Movement to Ameliorate and Improve the Condition of the Aborigines, 1870-79'. B.A. thesis, University of Queensland, 1967.
- Lockley, G. Lindsay. 'The Foundation, Development, and Influence, of Congregationalism in Australia'. Ph.D. thesis, University of Queensland, 1966.
- O'Donoghue, E. M. 'A Study in the Life and Work of John Bede Polding'. Ph.D. thesis, University of Queensland, 1977.
- O'Leary, P. 'William Whale: The Making of a Colonial Baptist Preacher 1842-1903'. B.A. thesis, University of Queensland, 1987.
- Rayner, Keith. 'Attitudes and Influences of the Churches in Queensland on Matters of Social and Political Importance: 1859-1914'. B.A. thesis, University of Queensland, 1951.
- Rayner, Keith. 'The History of the Church of England in Queensland'. Ph.D. thesis, University of Queensland, 1962.
- Reid, Gordon Stephen. 'Queensland and the Aboriginal Problem, 1838-1901'. Ph.D. thesis, Australian National University, 1986.
- Shaw, George P. 'Conscription and Queensland 1916-1917'. B.A. thesis. University of Queensland, 1966.
- Thorpe, William. 'Archibald Meston and the Aborigines: Ideology and Practice: An exploration in Social History.' B.A. thesis, University of Queensland, 1978.
- Trainor, L. 'British Policy to New South Wales, Queensland and Victoria, During the Secretaryship of State for the Colonies of the Marquess of Ripon 1892-5'. Ph.D. thesis, University of London, 1967.
- Woolmington, Jean. 'Early Christian Missions to the Australian Aborigines — A Study in Failure'. Ph.D. thesis, University of New England, 1979.

C A S E

(As submitted to Counsel.)

LEGAL NEXUS.

CASE

WITH

OPINION

*obtained from Counsel in England
and in the Commonwealth**Re* Resolution passed by the GENERAL SYNOD,
September, 1905 :—

“That the three Archbishops and the Bishop of Perth be a Committee to consider what is the legal nexus of the various Dioceses in Australia and Tasmania with the Church of England in England ; to obtain legal opinion in the Commonwealth and in England, to consult with the Archbishop of Canterbury ; and to report to the respective Bishops in the Dioceses of Australia and Tasmania.”

In consequence of a request from the Synod of the Diocese of Sydney made to the General Synod of the Dioceses of Australia and Tasmania to consider and report as to how far, if at all, communion with the Church of England, in England, would be affected by the Church of England in Australia in legislating independently in the direction of certain reforms in the Liturgy and so forth. The following resolution was passed by the General Synod on 12th October, 1905 :—

“That the three Archbishops and the Bishop of Perth be a Committee to consider what is the legal nexus of the various Dioceses in Australia and Tasmania with the Church in England to obtain legal opinion in the Commonwealth and in England to consult with the Archbishop of Canterbury, and to report to the respective Bishops in the Dioceses of Australia and Tasmania.”

The following case for opinion is laid before Counsel in pursuance of the above resolution.

The Church of England in the Commonwealth of Australia consists of 20 Dioceses covering the whole of the territory of the Commonwealth. These Dioceses have been created at various times, and in various ways, out of the original Diocese of Australia created by Letters Patent under the Great Seal in 1836. They have been created either by Letters Patent, or in accordance with local statutes or with local regulations made by voluntary agreement.

In the States of New South Wales, Victoria and Queensland (the last-named including New Guinea), the Dioceses are organised in Provinces. In the States of Tasmania and South Australia the boundaries of the Diocese are practically co-terminus with those of the States, part of South Australia being within the Queensland Diocese of Carpentaria. In Western Australia there are two Dioceses, but as yet no Provincial Organisation. Each of the six States of the Commonwealth has had for many years an independent Legislature. The statutory enactments relating to the various Dioceses differ considerably.

In order to permit of a clear understanding of the legal position of the Dioceses it will be necessary to set out shortly

the history of the foundation of the Church of England in Australia and its subsequent organisation.

On 31st December, 1600, the Old East India Company received its charter under which it was granted the exclusive right of trading to all the countries and places situated beyond the Cape of Good Hope and the Straits of Magellan not then occupied by any European Power.

Australia and Tasmania, though within the limits of the Company's charter, were at that time practically unknown to Europeans, and so continued for many years.

In the year 1770 possession of the country was taken in the name of the then Sovereign, King George III., by Captain Cook, R.N., there being no European settlement at the time and the country inhabited only by savage tribes.

In the year 1784 provision was made by the Act 24 Geo. III. C. 56, for the transportation of criminals to Australia, and on 6th December, 1786, Orders in Council were passed for the purpose of founding a settlement there, and the first settlement was founded accordingly in 1788. The settlement thus founded for penal purposes was necessarily without any constitution, ecclesiastical or civil. The authority established by the above Act and Orders in Council was purely military, and the only spiritual agency was the chaplain who was a Government official paid out of the revenue of the Crown.

There was no episcopal oversight save in so far as that, under an Order in Council of Charles I., all British subjects abroad were under the jurisdiction of the Bishop of London. (See Phillimore 2nd Edition, vol. 2, p. 1770.)

Churches were built and grants of land made for church purposes at an early date in the history of the settlement in pursuance of the powers granted by the Orders in Council of 6th December, 1786, and the lands so granted are still held for purposes in connection with Dioceses forming part of the General Synod.

This condition of affairs prevailed during the first quarter of the nineteenth century. The original grants were for Church of England purposes, but after 1801, when the statutory union of the Churches of England and Ireland took place, grants were made for the purposes of the United Church of England and Ireland.

In the year 1813 the Act 53 Geo. III, C. 155 was passed.

By Section 49 of this Act, after reciting that no sufficient provision had hitherto been made for the maintenance and support of a church establishment in the British territories in the East Indies and other parts under the limits of the East India Company's Charter (which included Australia and Tasmania), it was enacted that if the Crown should issue Letters Patent for the foundation of a Bishopric for the whole of the said British Territories in the East Indies and parts aforesaid with Archdeacons in the three Presidencies, and should from time to time nominate and appoint a Bishop and Archdeacons to such Bishopric and Archdeacons, their salaries were to be paid by the East India Company.

By Section 51 such Bishop was to have no jurisdiction nor to exercise any episcopal functions except such as should be limited to him by his Letters Patent, and by Section 52 the Crown was empowered to grant by Letters Patent to such Bishop such ecclesiastical jurisdiction and the exercise of such episcopal functions, within the said territorial limits, as might be thought necessary for the administering Holy Ceremonies and for the superintendence and good government of the church establishment within the East Indies and parts aforesaid any law, charter or other matter or thing to the contrary notwithstanding.

By Letters Patent under the Great Seal of the United Kingdom, dated 2nd May, 1814, the territories under the Government of the East India Company were erected into a Bishop's See to be called the Bishopric of Calcutta, and there was granted to the Bishop of Calcutta full power and authority to perform the functions of a Bishop and to exercise jurisdiction, spiritual and ecclesiastical, in and through the said See and Diocese, according to the ecclesiastical laws of England in certain matters therein mentioned, an appeal lying from him to the Archbishop of Canterbury.

In the year 1823 provision was made by the Imperial Parliament (4 Geo. IV. C. 96) for the more effectual government of the territory of New South Wales.

Under this Act a Legislative Council, consisting of nominees of the Crown, was created, and a Supreme Court established for the whole territory.

The Acts of the Legislative Council of New South Wales commence in 1824 (5 Geo. IV.).

By Letters Patent under the Great Seal, dated 27th May, 1824, the whole of the territories within the limits of the

Charter of the East India Company were declared to form and constitute the See and Diocese of Calcutta.

By Letters Patent under the Great Seal, dated 2nd October, 1824, there was constituted an Archdeaconry in and over the British Territories within the Colony of New South Wales, subject and subordinate to the jurisdiction, spiritual and ecclesiastical, of the Bishop of Calcutta. The Archdeacon of Australia was paid a salary of £1000 a year out of the Colonial revenue, he had a seat on the Legislative Council ex officio, and he held a court called the Archdeacons Court (See Clark's Colonial Law, p. 618, 625.)

The settlements in Australia and Tasmania (then called Van Diemen's Land) were thus brought into the ecclesiastical system of the then "United Church of England and Ireland," but in name only, and it is not recorded that any episcopal function was ever performed by the Bishop of Calcutta in the outlying portions of his Diocese.

In the year 1825, Tasmania, or as it was then called Van Diemen's Land, was erected into a separate colony by an Order in Council, dated 14th June, 1825, provision being made for a Governor and a Council nominated by the Crown. This was the first colony to be separated from New South Wales.

In the following year, Letters Patent dated the 9th day of March, 1826, were issued, creating a corporation called the Corporation of the Trustees of Church and School Lands, under which large areas of land were granted for educational and religious purposes in connection with the Church of England.

The Letters Patent provided for the future erection of a Bishop's See in the Colony and the payment of stipends to clergy and officials. There seems to have been at this time a definite scheme for the establishment of the Church of England as the sole recognised religious body.

Thus by the first Licensing Act passed in Australia (6 Geo. IV. No. 4), a certificate by the Church of England "minister" was required from all applicants for Licenses and the first Act for the Registration of Births, Marriages, and Deaths (6 Geo. IV. No. 21) also recognised the position of the Church of England clergy in charge of parishes, every minister of religion solemnising a baptism, marriage, or burial in the Colony being compelled to transmit a certificate thereof to the minister of the parish in which the service was performed, under a penalty to be appropriated agreeably to

the provisions of an act for the suppression of rogues and vagabonds. The scheme, however, was impracticable, and it gave way to a system of four contemporaneous religious establishments.

The Colony of New South Wales was about this time again subdivided. Settlements having been formed in 1829 on the Western Coast, by the Act 10 Geo. IV. Cap. 22 the Crown was empowered by Orders in Council to appoint persons to make laws for the settlements until 31st December, 1834.

This led to the erection and foundation of the Colony of Western Australia, with a constitution based on that of New South Wales.

By the Imperial Act 3 and 4 Wm. IV. C. 85, provision was made for the subdivision by Letters Patent of the Diocese of Calcutta and the erection of Sees at Madras and Bombay. By Section 93 power was given to alter the limits of the Diocese of Calcutta by Letters Patent.

The opposition to the establishment of the Church of England was very great, and increased with the arrival of Sir Richard Bourke in 1831 as Governor of New South Wales.

The first step taken by the opponents of the system was against the Corporation of the Trustees of Clergy and School Lands.

In the year 1833, Orders in Council were passed dissolving the Corporation and vesting the control of its property and funds in the Colonial Government, an Act of the Colonial Legislature 5 Wm. IV. No. 11 being passed to carry out the dissolution.

The dissolution of the Corporation was not followed by any adequate provision for the maintenance of an ecclesiastical establishment, and the situation thereby created formed the subject matter of a despatch by Sir Richard Bourke to the Secretary of State for the Colonies, dated September, 30th, 1833, in which the position of the Church of England in Australia at that date was fully set out. In this despatch reference is made solely to "the Church of England," and not to the United Church of England and Ireland. (See the Despatch in Lang's History of New South Wales, 2nd Edition, Vol. II., p. 470.) In this despatch it was suggested that the Archdeacon of New South Wales should be made a Suffragan

to the Archbishop of Canterbury or Bishop of London, the inconvenience attending the dependence of the Church on the authority of a Bishop placed at the distance of Calcutta from Sydney being too obvious to require much proof. This suggestion was approved of by the Secretary of State, Lord Glenelg, and on 30th November, 1835, he wrote to Sir Richard Bourke informing him that His Majesty's Government had decided under the sanction of the Archbishop of Canterbury to carry the proposal into effect, and that the Archdeacon would be nominated to the new See.

In 1834 the Imperial Act 4 and 5 William IV. C. 95 was passed, empowering the Crown to erect South Australia into a British possession or province and to provide for the colonisation thereof, and under this Act the Colony of South Australia was founded, executive and legislative powers being vested in the Governor and a Council of Government Officials on the same lines as that of New South Wales.

By Letters Patent under the Great Seal dated 13th June, 1834, the Madras Presidency, Ceylon and the Colonies of New South Wales and Van Diemen's Land were dis severed from and ceased to be parts of the Diocese of Calcutta.

By Letters Patent dated 18th January, 1836, a copy of which document accompanies, all the territories and lands comprised within or dependent upon the Colonies of New South Wales, Van Diemen's Land and Western Australia were erected into a Bishopric to be styled the Bishopric of Australia.

The Archdeacon of New South Wales (Broughton) became Bishop of Australia at the same salary as that provided by the Government for the Archdeaconry.

The New South Wales Government, which had secured the dissolution of the Corporation of the Trustees of Church and School Lands, made provision for the maintenance of religion by a local Act, under which an annual payment of £30,000 was made divisible between the Churches of England and Rome, and the Presbyterian and Wesleyan bodies. (See New South Wales Act 7 William IV. No. 3.) The principle of State aid to religion thus established was opposed in many quarters, and has now been overthrown. In the following year (1837) an Act was passed by the New South Wales Legislature to regulate the temporal affairs of churches and chapels of the United Church of England and Ireland in New South Wales. A copy of this Act accompanies. It

will be noted that the Bishop of Australia is expressly referred to, and (it is submitted) created a corporation sole. (See Section 17.)

By Section 19 it is enacted that no person shall be or shall be received as chaplain or minister, or permitted, suffered, or allowed to sing or say the Common or open Prayer, or to minister the Sacraments, or to preach any sermon in any church or chapel consecrated to the use of the United Church of England or Ireland within the Colony and its Dependencies unless he be first approved and thereunto licensed by the Archbishop of the Province or the Bishop of the Diocese, or in case the See be vacant by the Guardian of the Spiritualities under his seal. As to this Act see *ex parte Thackeray* (No. 1) 13 S.C.R. 1; *ex parte Thackeray* (No. 2) *ib.*, p. 250 and *R. v. Bishop of Newcastle*, 1 S.C.R., 262.

In the year 1841 the Colonial Bishops Council was constituted to provide for the erection and endowment by public subscription of new Bishoprics in the Colonies, the objects for which subscriptions were sought will be found in the report of Bishop of Natal *v. Gladstone*, Law Reports 3, Equity, p. 1. Large sums were subscribed for the objects put forward, and new Sees were provided for in various parts of the world. The first Declaration of the Archbishops and Bishops in connection with the fund will be found in Phillimore's Ecclesiastical Law, 2nd Edition, p. 1772.

New Zealand having shortly after this been separated from New South Wales and formed into a separate Colony, letters patent were issued erecting the new Colony into a See on 14th October, 1842. (See 15 and 16 Vict., C. 88).

The Letters Patent were modelled on those of the Bishop of Australia, of which See New Zealand was a suffragan.

New Zealand is now organised as a separate province, and is not represented in the General Synod of the Dioceses of Australia and Tasmania.

In the year 1842 certain constitutional changes took place in the Legislature powers conferred upon the Colony of New South Wales. By the Imperial Act 5 and 6 Vict. C. 76 (30th July, 1842), the Legislative Councils, which had formerly consisted of Crown officials, became partly representative, the elected representatives outnumbering the Crown nominees by 2 to 1.

By Letters Patent, dated 18th August, 1842, the Colony of Van Diemen's Land was created into the See of Tasmania,

the Bishop of Tasmania to be a suffragan of the See of Australia.

By Letters Patent, dated the 25th day of June, 1847, the See of Australia was further divided into four Sees, those of Sydney, Newcastle, Adelaide and Melbourne, and Letters Patent were issued in respect of each of these Sees, of which Sydney was to be the Metropolitan See, and the other three subject and subordinate to the Bishop of Sydney as Metropolitan in the same manner as the Bishop of any See within the province of Canterbury is under that Metropolitan See. Copies of the Letters Patent issued in respect of the Sees of Sydney and Melbourne accompany.

The ecclesiastical system thus created by Letters Patent was found to be unsatisfactory. Though jurisdiction purporting to be given to the Dioceses, it was found that it could not be exercised, and the only means of disciplining an erring clergyman was to revoke his license, and so stop the salary payable under the Act of Council. At the same time no provision had been made for the holding of Synods or for concerted action, and in the absence of the sanction of the Crown it was deemed by many in view of the provisions of the Act of the submission of the Clergy 25, Henry VIII., C. 10, to assemble a Synod either Diocesan or Provincial. In the year 1850, however, all the Bishops of the Province of Australia met in Sydney, and passed certain resolutions prefaced by a statement that they were not exercising the powers of a Provincial Synod.

These resolutions may be summarised as follows:—

1. The Canons of 1603-4 were acknowledged to have generally a binding force on Bishops and Clergy, but revision of them was desired.
2. Provincial and Diocesan Synods of Bishops and Clergy and Provincial and Diocesan Conventions of the Laity were recommended. No questions affecting the temporalities of the Church to be decided without the concurrence of the conventions.
3. Church membership giving a title to all the ministrations of the Church was to be secured to all baptised with the proper formula on the condition that they conform to the doctrine, government and rites set forth in the Book of Common Prayer.
4. None but communicants to be eligible as members of the conventions.

5. Discipline was to be exercised over Bishops by the Bishops of the Province, over clergy by the Diocesan Synod, over laity by private admonition, by repelling from Holy Communion according to the Rubric, and, as the last resort, by excommunication. Beneficed clergy not to be removed except by sentence of a Diocesan Synod.

6. Several suggestions with regard to the Church services were made, these bore mainly on the controversies of the day and compliance with the Rubrics is urged.

7. On the question of marriage within the forbidden degrees, these are pronounced to be a violation of the law of the Church involving those contracting them in liability to be repelled from Communion. As to marriage generally the duty of being married in no other way than according to the rites of the Church is insisted on. It may be noted that Selwyn, Bishop of New Zealand, who took the foremost part at this conference, was afterwards translated to the See of Lichfield, a course subsequently followed when Moorhouse, Bishop of Melbourne, was translated to Manchester, Kenyon, Bishop of Adelaide, to Baths and Wells, and Harmer, Bishop of Adelaide, to Rochester.

In 1850 the constitution of the Legislative Council of Van Diemen's Land was changed pursuant to Section 7 of the Imperial Act 13 and 14, Vict., C. 59, and became partly elective as in the colonies of New South Wales and South Australia.

By the Imperial Act 13 and 14, Vict., C. 59 (5th Aug. 1850), the colony of Victoria was separated from New South Wales, and granted a Legislative Council of the same nature as that of New South Wales and South Australia, that is, partly nominee and partly elective.

Steps were then taken in the various Dioceses to carry into effect the resolutions of the Episcopal Conference at Sydney.

As a consequence of the varying views held as to the effect of the Act of Submission of the Clergy of 1533, these steps were not all of the same nature. In the Dioceses of Adelaide (South Australia) and Newcastle (New South Wales) it was thought that the end in view could be reached by means of a voluntary agreement made between the Bishop of the Diocese, his clergy and representatives of the laity without legislative sanction. In these Dioceses agreements were accordingly entered into. These are known as "consensual compacts," and copies thereof accompany. In Mel-

bourne (Victoria) and Tasmania (Van Diemen's Land) other views prevailed, and it was determined to obtain Acts of the respective Legislatures.

In Victoria, on 30th November, 1854, an Act (18 Vict., No. 45) to enable the Bishops, Clergy and Laity of the United Church of England and Ireland in Victoria to provide for the regulation of the affairs of the said Church was passed.

A copy of this Act accompanies as amended by an Act of 36 Vict., No. 454, to which the Royal Assent was proclaimed on 13th June, 1873 (copy of which accompanies). This Act is still in force in Victoria, and binds the Dioceses of Melbourne, Ballarat, Bendigo, Wangaratta and Gippsland, which form the ecclesiastical Province of Victoria.

In 1862 the Act 8, Wm. IV., No. 5, was repealed as far as Victoria was concerned by the Victorian Act No. 157.

In the year 1858 an Act 20, Vict., No. 20, to enable the Bishop, Clergy and Laity of the United Church of England and Ireland in Tasmania to regulate the affairs of the said Church was passed by the Legislature of Tasmania.

Under this Act the Bishop, Clergy and Laity were empowered to meet in Synod, and the acts of Synod were given the force of law, but they were not to alter or be at variance with the authorised standard of Faith and Doctrine of the Church. This Act was amended in 1882 by the Church of England Constitution Amendment Act, 1882, 46 Vict., No. 2, and again in 1892 by the Church of England Constitution Amendment Act, 1892, 56 Vict., No. 4.

In the year 1857 the Diocese of Adelaide was subdivided, and the See of Perth created by Letters Patent.

This Diocese has been (1872) organised on the basis of voluntary agreement or "consensual compact" on the same lines as the parent Diocese of Adelaide. The Legislature of Western Australia has provided for the incorporation of Diocesan Trustees.

On the 6th June, 1859, by Letters Patent issued pursuant to the Imperial Act 18 and 19 Vict., C., 54, Section 7, the north-eastern portion of New South Wales was erected into a separate Colony to be called the Colony of Queensland with a constitution modelled on that of New South Wales. By Letters Patent of even date so much of the new Colony as lay within the See of Newcastle was erected into a new

See, to be called the See of Brisbane, and to be one of the Suffragan Sees of Sydney.

A copy of these Letters Patent accompanies.

In the year 1859 the position of the Diocesan Bishops in New South Wales was tested in the case of *ex parte King*, reported in *Legge's New South Wales Cases*, vol. ii., p. 1307, and this was followed by the South African cases of *Long v. Bishop of Capetown* (1 Moo., P.C., N.S., 411; 9 Jurist N.S., 805; 8 L.T., 738; 11 W.R. 900); *ex parte Bishop of Natal* (3 Moo., P.C., N.S. 115; 11 Jurist N.S. 353; 12 L.T. 188, 13 W.R. 549), and *Colenso v. Gladstone* L. R. 3 Eq. 1. These decisions gave serious concern to the authorities in Australia and Tasmania, and brought the question of organisation more prominently before the Colonial Church.

In the Diocese of Sydney, after considerable discussion certain constitutions, copy of which will be found herewith, having been agreed upon at a General Conference of the Bishops, Clergy and representatives of the Laity of the Colony, held at Sydney in April, 1866, an Act (30 Vict.) was passed through the New South Wales Legislature to enable the members of the United Church of England and Ireland in New South Wales to manage the property of the said Church under which the constitutions were made binding for all purposes connected with Church property. A copy of this Act will be found herewith.

In the year 1867 the Diocese of Newcastle was further subdivided by the creation of the See of Grafton and Armidale.

The Diocese of Brisbane was organised on the basis of voluntary agreement by a consensual compact dated 18th June, 1868. A copy of which accompanies.

On the occasion of the consecration of the Sydney Cathedral in November, 1868, a conference of Bishops was held, at which all the Bishops then holding Sees, except the Bishop of Perth, were present.

At this Conference the following resolutions were passed:—

1. The relation of the Church of England in Australia to the Church at Home is one of identity of doctrine and worship and subjection as far as practicable to the law of the Church of England.

2. The election of Colonial Bishops, whatever be the mode adopted, should be confirmed by the Bishops of the Province.

The majority expressed their opinion that as long as practicable Letters Patent assigning to the Bishop a territorial sphere of action should continue to be issued.

3. A General Synod should be constituted consisting of Bishops and representatives of the Clergy and Laity in the several colonies comprised within the Province with the object of maintaining the relation of the Church in the Province of Australia to the Church, both at home and in the various colonies, as well as to secure unity of doctrine and discipline between the several branches of the Australian Church.

4. The General Synod should constitute a tribunal to which there should be a right of appeal from any Bishop or Diocesan Tribunal in the Province in cases involving questions of faith and worship.

5. A tribunal should be constituted for the trial of charges against Bishops.

6. Every Bishop should at his consecration take an oath of Canonical obedience to his Metropolitan.

7. The Bishop of one Diocese in the Province should not entertain an application from a clergyman in another diocese until his Bishop should have consented to his removal; not less than three months' notice should be given of the desire to resign a cure.

In 1869 the See of Sydney was further divided on the creation of the See of Bathurst.

In the same year the Irish Church Act, 1869, 32 and 33 Vict., Cap. 42, was passed dissolving the statutory union between the Churches of England and Ireland.

In 1872 a Conference of Diocesan Bishops and representative Clergy and Laity met in Sydney, and settled the constitution of a Synod to be called the General Synod of the Dioceses in Australia and Tasmania. A copy of this constitution accompanies.

The General Synod has by determination made rules for the confirmation and consecration of Bishops and for the election of Primates; for the constitution of an appellate tribunal to hear appeals from Diocesan Bishops or Courts in any matter of doctrine or of discipline involving any matter of doctrine; for the formation of new dioceses and provinces and for the trial of Bishops for certain offences.

The offences for which Bishops can be tried by the tribunal are:—

- (a) Crime or immorality.
- (b) False doctrine, defined as the holding and teaching publicly or in his official capacity doctrine contrary to the doctrine of the Church of England as contained in her articles and formularies as are set forth by authority.
- (c) Wilful violation of the diocesan constitution and statutes of the constitution and determinations of General Synod so far as accepted in his diocese.
- (d) Any course of conduct involving wilful and habitual disregard of his consecration vows.

The passing of the Irish Church Act, 1869, and the consequent dissolution of the statutory union between the two Churches was given effect to in Victoria in 1872 by the Act 36, Vict., No. 454, which gave legislative sanction to a change of name by the Church Assembly. This was carried out in 1877, when the name "Church of England in Victoria" was adopted.

A similar result was effected in Tasmania in 1882 by the Act, 46, Vict., No. 2.

In the Diocese of Brisbane the alteration was made by Canon subsequently recognised in 1889 by Act of Parliament.

In New South Wales the alteration was recognised by the Legislature in 1902.

Since the year 1872 the following Sees have been created. In 1875 the Diocese of Ballarat was constituted by Act of the Church Assembly under the provisions of the Act of the Victorian Legislature, 18 Vict., No. 45.

In 1878 the Diocese of North Queensland was constituted by Letters Patent out of the Diocese of Sydney, and organised under consensual compact dated 13th June, 1883. Copy of which accompanies.

In 1884, Riverina was formed into a Diocese, and is now part of the province of New South Wales.

In 1892, Rockhampton was constituted in accordance with the Act of the Synod of the Diocese of Brisbane, and organised under consensual compact dated 29th June, 1893.

This document is similar to that agreed upon by the Diocese of Brisbane, except that the fifth clause of the latter providing for interpretation in conformity with decisions of the ecclesiastical or civil courts of Great Britain and of the Privy Council is omitted.

In 1896 New Guinea, and in 1900 Carpentaria, were formed under Regulations framed by the General Synod. In 1902 Bendigo, Wangaratta, and Gippsland were formed in Victoria by Act of Church Assembly under Statute, 18 Vict., No. 45, and with Melbourne and Ballarat constitute the Province of Victoria.

In 1904, the Diocese of Bunbury was formed out of the Diocese of Perth in Western Australia under regulations made pursuant to consensual compact.

In all the Diocese there exists tribunals for the trial of offences, which term includes heresy, false doctrine, breach of Ritual and Schism.

In the States of New South Wales, Victoria and Queensland, provinces have been formed with provincial Synods possessing legislative powers. In New South Wales, under the authority of the Constitutions passed in 1866, and validated by the New South Wales Act, 30 Vict., a provincial Synod composed of the Bishops and Clerical and Lay representatives of the Diocese of New South Wales was called into existence. A reference to the Constitutions which accompany (h) will make clear the limited powers of this Synod, for by Clauses 6 and 24 its powers are confined to dealing with appeals from any Diocesan Synod against the Veto of the Bishop and with matters referred to it by all the Diocesan Synods.

The first provincial Synod held under the Constitutions sat in 1860, the fifth and last in 1884.

In the Provincial Synod of 1884 in view of the determination of the General Synod of 1881, dealing with the formation of provinces, a suggested draft of a constitution for Provincial Synod was passed. Copy of which accompanies, and the Provincial Synod was constituted accordingly.

In 1895, the Provincial Synod passed ordinances for the purpose of obtaining the repeal of the Acts 7, Wm. IV., No. 3, 8 Wm. IV., No. 5, 21 Vict., No. 4, and 30 Vict., and of amending the Constitutions of 1866.

In 1897 the Legislature of New South Wales passed the Church Acts Repealing Act of 1897, which repealed the first three Acts above-mentioned; a copy of this Act accompanies.

In 1902, the Legislature of New South Wales passed "The Church of England Constitutions Act of 1902," a copy of which accompanies.

In 1907, the Provincial Synod passed "The Provincial Synod Constitution Ordinance of 1907."

Clauses 8 and 9 of this Ordinance define the powers of the Provincial Synod of New South Wales.

In Victoria, provision had been made by section 17 of the Church Constitution Act, 18 Vict., No. 45, for the convening of Provincial Assemblies, and in 1874 the Church Assembly passed an Act known as the "Province and Metropolitan Act." This Act, however, never took effect, and as has already been stated in 1881 General Synod passed a Determination dealing with the formation of provinces.

In 1902 the three new Dioceses of Bendigo, Gippsland and Wangaratta were formed and steps were taken to bring about the formation of a province. In 1904, Sec. 17 of the Church Constitution Act was repealed by the Parliament of Victoria, the Province and Metropolitan Act was repealed by the Church Assembly, and the Province of Victoria was then formed in accordance with the determination of General Synod in 1881.

In Queensland, steps were taken under the Determination of General Synod of 1881, and a Province was formed in 1906. The Constitution of the Provincial Synod of Queensland will be found in the minutes of the Conference held in 1904, which accompanies.

After the passing of the Act of Uniformity Amendment Act, 1872, a question was raised in the Provincial Synod of New South Wales, 1875 Session, on a motion for the adoption of the Act by the Synod.

The Primate, Bishop Barker, gave the following ruling:

"The Act is part of the law of the Church of England. As part of the law of the Church of England I consider that any clergyman may use the shortened services, and any Bishop may sanction the special or additional services, and the Provincial Synod cannot give additional authority by the introduction of the Act, and certainly could not prevent any clergyman from using or any Bishop from sanctioning the services authorised by the Act."

In consequence of this the matter was withdrawn.

In the year 1888 the then Bishop of Brisbane had a correspondence with the late Lord Selborne, formerly Lord

Chancellor, with reference to the powers of the Church in Australia. The Bishop quoted a passage from the judgment of the Privy Council in *Long v. Bishop of Capetown*, cited in *Phillimore Eccles. Law*, vol. 2, p. 1783: "The Church of England in places where there is no Church established by law is in the same situation with any other religious body; in no better but in no worse position," etc.

In reply to this Lord Selborne wrote: "No better and no worse are good words, but there is an important and inevitable difference in the facts which makes their application extremely difficult.

"Other religious bodies have a recent origin, and are governed by agreements co-eval with their birth. But the Church claims, in some sort, spiritual and historical identity with the Catholic Church from the beginning, and, even in its more limited and local constitutions the theory of a voluntary agreements different from and not necessarily controlled by the General Law of the Church of England is not co-eval with the origin of any of our Anglican Churches in the colonies. They were founded when a different view prevailed and there was no break in their continuity, nor any foundation as from a new beginning upon a new basis at any subsequent time.

"They have to adapt as well as they can to their actual circumstances, the comprehension within their pale of some, perhaps many, both clergy and laity, who insist upon their original status, and decline to be bound by any synodical legislation or other forms of contract, and by which they cannot be legally bound except by their own express or implied consent. And what 'implied consent' may be is a question by no means easy to answer. In these respects they are really in a worse position than other religious bodies."

In the year 1895 the Queensland Legislature passed an Act entitled "The Church of England Act of 1895." This Act repeals the Act 8 Wm. IV., No. 5, as far as Queensland is concerned.

It may be taken that very large endowments are held by trustees incorporated and unincorporated for "Church of England purposes," or upon trusts of a similar nature. These endowments are derived from the Crown and from societies and private individuals in England and Australia, either as in grants or gifts of land or money or as funds raised by voluntary subscriptions.

The principles of representative Government have been extended to all the States in the Commonwealth in Australia since the year 1855, and all the States have power to make laws for the order and good government of the territories within their boundaries subject to the provisions of the Commonwealth of Australia Constitution Act, 63 and 64 Vict., C. 12. Attention is called to Section 116 of this Act in view of the desirability of obtaining a Federal Act in the event of legislation being considered to be necessary.

According to the census of 1901 there are upwards of a million and a-half members of the Church of England in Australia and Tasmania describing themselves in the census papers.

Counsel is asked:—

1. What is the effect of the Letters Patent purporting to confer jurisdiction and mission in view of Imperial and Colonial legislation?

2. How far do the South African cases cited apply to the Church of England in Australia and Tasmania? See *In re Jenkins*, Law Reports, 2 P.C.

3. To what extent does the law of the Church of England bind the Bishops, Clergy and Laity and persons holding property in trust for Church of England purposes or similar purposes in Australia and Tasmania.

4. How far would the proviso for interpretation and meaning set out in Clause 5 of the Constitution of the Diocese of Brisbane be applied by a Civil Court in any of the Australian States in the decision of any action brought before such Court?

(a) Arising within the Diocese of Brisbane.

(b) Arising within the Diocese of Rockhampton.

(c) Arising in a Diocese not constituted by consensual compact.

5. Is it competent for

(a) Any Diocesan or Provincial Synod, or

(b) The General Synod to pass any Canon, Ordinance or Determination altering or contravening any and what part of the Ecclesiastical law of the Church of England or the Liturgy or formularies of such Church?

6. How far it is competent for

- (a) A Diocesan Bishop
- (b) A Metropolitan
- (c) The Primate of Australia
- (d) An Episcopal Synod

to permit the use of services not provided by the Book of Common Prayer?

7. Would the granting of permission to use such services render any Bishop or Archbishop guilty of an offence under the Determination of General Synod relating to the trial of Bishops?

8. If it is not competent for any Synod to pass such Canons, Ordinances or Determinations as are mentioned in Question 5, would the effect of legislation so passed be merely null and void as ultra vires, or would it destroy the connection with the Church of England? See *Merriman v. Williams*, 7 App. Cas., p. 484.

9. Would it be competent for

- (a) Any Australian State
- (b) The Commonwealth

to give legislative authority to the Dioceses within the respective ambits of their legislative powers for the altering and amending of the Book of Common Prayer or other formularies without interfering with the present relations between the Church at Home and abroad?

10. Generally as to the status of the Church of England in Australia and Tasmania?

The Archbishop of Melbourne, Metropolitan of the Province of Victoria, wishes to draw the attention of Counsel to the following matters:—

1. In the Province of Victoria all the five Dioceses have Acts of Synod establishing Courts to deal with all cases of ecclesiastical offences, including "Doctrine" and "Ritual." These Acts deal with the Clergy only, and there are no Acts which touch the discipline of the laity. See, for example, the Ecclesiastical Offences Act of the Diocese of Melbourne.

2. The Province has also accepted the Determination of General Synod establishing the Appellate Tribunal as a Court of Appeal from any Diocesan decision (1872). "The

Committee of Appeal thereby constituted is to hear and determine the appeal, and if the matter concerns a question of doctrine the Committee may at its discretion state a case for the opinion thereon of the Council of Reference. The opinion of this Council shall be binding on the Committee. The Council is to consist of Archbishops of Canterbury and York, the Bishop of London and four laymen learned in the law." Whilst the Council of Reference has never been appealed to, nor, in fact, the Appellate Tribunal used, the laymen have been chosen for the Council and the Appellate Tribunal has been constituted every five years by the General Synod.

QUESTIONS.

1. Does not the establishment of such a tribunal, with its provisions, for a final decision, assert the principle that the Church in this province is independent of the decisions (1) of the Ecclesiastical Courts in England, or (2) of the Privy Council?

2. The Church Constitution Act of this province is dated 1854. Is not the Province of Victoria therefore bound only by its own decisions since 1854, or by the decisions (if any) of the Appellate Tribunal since 1872 to the exclusion of all decisions in England since 1854.

England would be necessarily improper in the case of property held in trust for Church purposes in Australia. Some parts of the law of the Church of England are clearly confined in their operation to England itself, and could not be regarded as binding in the colonies. There must be differences (in constitution, in the modes of enforcing discipline, and of dealing with property, and in other matters of management and machinery), between the Church of England at home and in the Colonies, such as necessarily result from differences of political circumstances, and the absence of coercive jurisdiction, and regard must be had to those differences in applying the law of the Church of England to Australian Church property. (*Bishop of Natal v. Gladstone*, 1 L.R. 3 Eq. Cases, N.S., at page 467.)

With this exception, it appears to us that the Law of the Church of England as determined by its formularies, and by the decisions of the English Courts, whether civil or ecclesiastical, and by the Judicial Committee of the Privy Council, must be regarded as binding by the civil courts in the colonies, in the determination of the question as to whether property held and enjoyed for the purposes of the Church of England has been so held and enjoyed. We think, therefore, that the members of the Church of England in Australia and Tasmania are, in the use and enjoyment of their churches, endowments, and other property settled for the purposes of the Church of England, bound to adhere to the faith, doctrine and discipline of the Church of England (*Merriman v. Williams*, 7 A.C., at p. 510), and, subject to what has already been said, must in public worship conform to the Book of Common Prayer, to the same extent as members of the Church of England in England must so conform. If they did otherwise, they would not be using their Churches for the purposes of the Church of England. Where property is held in trust "for Church of England purposes or similar purposes," such similar purposes not being further defined by the instrument creating the trust, it would be for the Colonial Court to determine whether any particular use of the property was or was not a use for a purpose similar to the purposes of the Church of England as ascertained according to the principles above laid down. It does not appear to us that any general statement can be made as to what would or would not be regarded as "a similar purpose."

4. As we have already indicated in our answer to the preceding question, in all cases where the question to be decided

EX-PARTE THE ARCHBISHOPS OF SYDNEY,
MELBOURNE, AND BRISBANE, AND THE
BISHOP OF PERTH.

OPINION.

Obtained in England.

1. We are of opinion that the provisions of the Letters Patent of the Crown creating Dioceses, appointing Bishops to them, and conferring coercive jurisdiction and other powers and authority, have no application in the case of the present Bishops of the Church of England in Australia and Tasmania or their Dioceses. All of those Bishops have been appointed since the Crown decided not to make any further appointments of such Bishops by Letters Patent; and the extent of their dioceses and any authority they may have over members of the Church of England within them, or over property given for the purposes of the Church of England within them, depends upon consensual compact, or statutes of the local Legislatures, and not upon the provisions of the Patents under which their predecessors were appointed.

2. So far as those cases apply to the Church of England in South Africa they appear to us to apply equally to the Church of England in Australia and Tasmania.

3. Property held in trust for the purposes of the Church of England must be dealt with on the principles which apply to property held in trust for any other purposes. It is therefore necessary in considering how such property may be lawfully used and enjoyed to consider what the expression "The purposes of the Church of England" actually means. Once that is ascertained the property can only be used for those purposes, and all persons who are in possession or have control of such property, and permit it to be used for any other purposes, will be guilty of a breach of trust, and will be dealt with accordingly. It is the law of the Church of England which determines what are the purposes of the Church of England, and in that sense it binds the Bishops, Clergy, Laity, and persons holding such property. At the same time, it would not be right to say that any user which would be improper in the case of Church property in

Synod to adopt the provisions of that Act without any violation of the law of the Church of England.

7. Subject to what has been said in the previous answer as to the provisions of the "Act of Uniformity Amendment Act, 1872," we think that the granting of such permission would render him guilty of an offence under the Determination referred to. "Wilful violation of the Constitution and Statutes of the Synod of the Diocese over which he presides," must, we think, be taken to include wilful violation not only of "Statutes" actually passed by the Synod, but also of those laws of the Church of England, which, by the Constitution of the Synod as the representative body of the Church of England within the Diocese are binding upon it, and those whom it represents.

8. As indicated in our answer to Question 5, and subject to what we have there said, such legislation would be void as *ultra vires*. If it were passed unanimously by the Synod of any diocese it might amount to a dissolution of the Church of England in that diocese, as a body entitled to use the Churches and other property settled for the purposes of the Church of England, in which case, in the absence of State legislation to the contrary, the property would have to be administered by the Civil Courts, and devoted to other purposes in accordance with *cy-près* doctrine. The vote of a mere majority would not, however, produce this result. The minority, however small, would be entitled to continue the use of the Churches and other property in accordance with the terms of the Constitution, and their Church would continue part of the Church of England (*General Assembly of the Free Church of Scotland v. Lord Overton* (1904), A.C. 515), though practical difficulties would no doubt be experienced if the Bishop formed a part of the majority. If the majority attempted to use the Churches and other Church property in accordance with the altered legislation, the Civil Courts, as indicated in our answer to Question 5, would restrain them. According to the decision in *Merriman v. Williams*, 7 A. C. 484, those who persisted in their adherence to such legislation would sever their connection with the Church of England.

9. We do not think that it would be competent for the Commonwealth to give such authority. Its powers are given and defined by the Statute 63 and 64 Vic. cap. 12, and that Statute contains no provisions which could be regarded as conferring such authority. We think, however, that the respective States would have power to authorise the various

is, What are the purposes of the Church of England? the Colonial Courts would be bound to decide the question "in conformity with any judgments, orders, and decrees relative thereto, given or made in any English Court, or any Court of Law in Great Britain, or any Judicial Committee of the Privy Council," and this would be so whether a provision expressly stating this, such as Clause 5 of the Constitution of the Diocese of Brisbane, is part of the Constitution of the Diocese in which the question arises, or is not.

5. It would in our opinion be competent for any of those bodies to pass any Canons, Ordinances, or Determinations, provided such legislation were in accordance with the Statutes of the several States in which dioceses affected by such legislation are situate, and with the powers contained in the Constitution of the Synods in the various Dioceses and Provinces as to such legislation. But subject to what we have said in answer to the third question, we think that any legislation of those bodies, which would purport to authorise any departure from the faith, doctrine, or discipline of the Church of England, or from conformity in public worship with the Book of Common Prayer, must necessarily affect the right of members of the Church of England to have the use of the Churches, and the ministrations of the Clergy holding endowments in accordance with the purposes of the Church of England; and we think that under the present constitution of the various dioceses in Australia and Tasmania, it is not competent for any diocese, unless authorised to do so by further legislation of the State in which it is situate, to adopt any Canon, Ordinance, or Determination, the effect of which would be to deprive them of such right. If any attempt were made to effect such deprivation the Civil Courts would interfere to protect the persons so deprived. *Craigdallie v. Aikman*, 2 Bligh 539-541; *Malligan v. Mitchell*, 3 My. & Cr. 72; *Forbes v. Eden*, L. R. 1 Sc. App. 568 per Lord Cranworth at p. 581; *Free Church of Scotland v. Lord Overton* (1904) A. C. 515.

6. In our opinion it is not competent for any of those authorities to permit the use of any services not provided by the Book of Common Prayer, which an English Bishop could not lawfully permit in his diocese in England. A question might be raised as to whether the provisions of the "Act of Uniformity Amendment Act, 1872," giving power to the Ordinary to approve of special and additional services not provided by the Book of Common Prayer, have any direct application in the case of Colonial Bishops, but we think that, even if they have not, it would be open to any Diocesan

Dioceses to alter or amend the Book of Common Prayer or other formularies, either in some specific manner or generally, and might provide that such alterations should not affect their present right to the use and enjoyment of the Churches or other property in those States. If the authority thus conferred were acted upon by any Diocese so as to effect such an alteration as would "substantially exclude portions of the faith and doctrine of the Church of England," then that Diocese would cease to be "in connection with the Church of England." *Merriman v. Williams*, 7 A.C., 484. Apart from questions of property, which in the case supposed would not arise, it is difficult to see what practical results would ensue from such a severance of connection unless it were of such a nature as to constitute a breach of communion. A repudiation of the authority of the Judicial Committee by a Colonial Diocese would not, however, by itself disentitle such Diocese and its members from being regarded as in communion with the Church of England, or prevent a Bishop of that Diocese from being "a Bishop in communion with the Church of England" within the meaning of Section 8 of the "Colonial Clergy Act, 1874" (37 and 38 Vic., cap. 77), or disable a Clergyman of that Diocese from conscientiously making and subscribing the declaration contained in Section 3 of that Act. It will not be forgotten that the conditions of inter-communion between the Church of England and other Christian bodies has been much discussed at the Lambeth Conference, particularly at that of 1888. We should add that any endowments held in England by trustees "for the purpose of the Church of England" in the colonies would not be affected by statutes of the colonial Legislature, and if any colonial diocese severed its connection with the Church of England, it would forfeit its right to these endowments, although those in the colony were retained.

10. The Anglican Churches in Australia and Tasmania are all organised upon the basis that they are not merely Churches "in communion with" or "in connection with" the Church of England, but are actual parts of that Church. In most of the States this status is recognised by Statute, and we think that in all it must be taken that this is their actual status. (*Bishop of Natal v. Gladstone*, L.R. 3, Eq. 1.) It accordingly appears to us that, in all of them it is an essential part of their Constitution that they are subject to the same laws as are binding on that Church in England, save in matters which, owing to difference of political circumstances, must *ex necessitate* be subject to different conditions from

which exist in England. (See Answer 3.) Accordingly in all matters of faith and doctrine, including conformity in public worship with the Book of Common Prayer, the Church in Australia and Tasmania must be regarded as regulated by the same standards as are in force in England. As the Church of England in Australia and Tasmania is not "established by law," and those colonies are self-governing, so that the Crown has no power to grant coercive powers there to the tribunals of that Church, it has been necessary for the members of the Church to constitute tribunals for enforcing discipline within their body, the decisions of which will be binding on those who expressly or by implication have assented to them. The tribunals constituted for this purpose, even where the State has not expressly empowered their establishment (as has been done, *e.g.*, in Tasmania by 22 Vic., No. 2, Sec. 4), are lawfully constituted, and the decisions of any one of them "will be binding when it has acted within the scope of its authority, has observed such forms as the rules require, if any forms be prescribed, and if not has proceeded in a manner consistent with the principles of justice." But "the tribunals so constituted have no power of their own to enforce their sentences; they must apply for that purpose to the Courts established by law, and such Courts will give effect to their decisions as they give effect to the decisions of arbitrators, whose jurisdiction rests entirely upon the agreement of parties." (*Long v. Bishop of Cape Town*, 1 Moore, P.C. Cases, N.S., p. 461. Being tribunals appointed by bodies, which, by their constitution, are part of the Church of England, it would be their duty to decide in accordance with the law of the Church of England as laid down by the English Courts and the Judicial Committee, and if they did not do so, and rights of members of the Church of England to have the use of their Churches and the ministrations of their clergy in accordance with that law were in consequence affected, the Civil Courts, if appealed to, would, subject to local legislation governing arbitration, interfere to restrain them and to protect those rights. (See Answers 5 and Additional Answer 2.)

ANSWERS TO THE ADDITIONAL QUESTIONS OF THE ARCHBISHOP OF MELBOURNE.

1. We do not think that it does. There is nothing which empowers, or purports to empower, the tribunal to decide contrary to the decision of the English Courts, including the Judicial Committee; and being the tribunal appointed by a

body which by its constitution is part of the Church of England, it would be its duty to frame its decisions in accordance with the law of the Church of England as declared by those Courts.

2. Subject as hereinafter stated the Province of Victoria is no doubt bound by the decisions of its own tribunals. Such decisions whether right or wrong, if they do not affect the use of Churches or other property, would not be interfered with or examined by the Civil Courts. (*Forbes v. Eden*, L.R., 1 Sc. Ap. 568.) Nor would they be interfered with, even if they decided questions as to such use, so long as the tribunal "has acted within the scope of its authority, has observed such forms as the rules require, if any forms are prescribed, and if not has proceeded in a manner consonant with the principles of justice." (*Loug v. Bishop of Cape Town*, 1 Moore P.C. Cases, N.S., at p. 461). Where then complaint is made by a member of a religious body resting upon a consensual basis that he has been injured in his rights "in any matter of a mixed spiritual and temporal character," for example, the use of a chapel or other building (see per Lord Cranworth in *Forbes v. Eden*, at pp. 581-2), it is the duty of the Civil Court "to inquire into the laws and rules of the tribunal or other authority, which has inflicted the alleged injury (*Brown v. Gure of Montreal*, L.R., 6 P.C., 207-208), or, in other words, to determine what is the scope of its authority as it would in the case of an arbitrator. (*Loug v. Bishop of Cape Town*, pp. 461-2). Further, as stated in answer to the last question, the Province of Victoria is part of the Church of England; and the law of the Church of England is determined by the decisions of its Courts. If then the Courts of the Province ignored the decision of the English Courts as to what is the law of the Church of England and did not apply that law, their decisions so far as they affected the rights of property of the members of the Church of England in the Province would be outside the scope of their authority, and would be therefore set aside by the Civil Courts. (*Russell on Arbitration* Ed., 1906-97; *Morgan v. Mather* 2 Ves. Jun., 18; *In re Budget*, 2 B. & Ald., 692; *Ching v. China*, 6 Vessey Junr., 282).

ARTHUR COHEN,
ROBERT CECIL,
A. B. KEMPE.

June 20th, 1911.

OPINION.

Obtained in the Commonwealth.

Before answering in detail the specific questions raised in the case for opinion, we think it advisable to draw attention to a few general principles, the proper application of which will go some way towards supplying the answers to most of the questions asked.

The Church of England in the self-governing colonies having no legal connection with the State, and not being an established Church, is a voluntary association, and the Courts of law in those Colonies can only be resorted to when any question of proprietary right is involved. By a question of proprietary right is meant not merely a question of the devolution or title to the property of the Church within the jurisdiction, but also the proper application of it among the members of the Church, the declaration and enforcement of the rights of the members to the use of the property, and the enforcement with respect to Church property of any order made by a properly constituted domestic tribunal. That is to say, Courts of law will only consider questions of Church law and management as incidental to the determination of some pecuniary or proprietary claim. (See *Forbes v. Eden*, L.R., 1 S. & D., 568.) But not only is the Church a voluntary association, it is a voluntary association founded for what is technically a charitable purpose, and any property settled upon trusts for the Church of England is subject to the general law regarding charitable trusts. These trusts will be enforced by the Civil Court in exactly the same way as that Court administers other charitable trusts, *i.e.*, it prevents the property from being applied for any other purposes than those for which it has been settled so long as such application is possible. There is an inherent power in the Court of Equity to modify the trusts, but only if and when a strict application according to the original trusts becomes impossible. It in no way depends upon the wishes of the majority of the persons entitled to the benefits of the trusts from time to time. Of course, the trusts upon which charitable property is settled may include a power from time to time to vary the nature of the trusts within the limits of what are technically "charitable" objects. In every case it is a question for the Court of law ultimately to decide what are the trusts on which the property is held, and whether and to what extent those trusts are fixed and immutable or contain

in gremio a power of alteration. *Free Church of Scotland v. Overtoun* (1904), A.C., 515.

Any question that arises between members of a Church not involving a matter of proprietary right, the Court of Law will not entertain. It must be left to the members to decide as best they can *inter se*, as in the case of any other voluntary association.

The legal idea of a voluntary association is a collection of individuals who have agreed with one another to abide by certain rules which are capable of alteration by the consent of the members of the association.

Consequently, though a Church, regarded merely as a voluntary association, may be able by an agreement made between the members themselves to make any alteration the members choose in their "rules," i.e., matters of Church doctrine, ritual, or organisation, it does not follow that the members can in the event of such a change retain property which has been settled upon certain definite trusts. To retain the trust property the Church must see that its "rules" conform with these trusts. *Free Church of Scotland v. Overtoun* (*ubi sup.*).

Turning to the several matters on which we are asked to advise, we are of opinion :—

1. It flows from the circumstances and position of the self-governing Colonies that the Crown cannot by the exercise of its prerogative give any coercive jurisdiction or proprietary rights to an individual within the territorial jurisdiction of the Colonies. The granting of a constitution to a colony transfers to its legislature the sole power of establishing a coercive jurisdiction and of dealing in the colony with the creation or holding of proprietary rights. The Crown has power within the British Dominions to appoint a titular bishop, but for his coercive jurisdiction and rights of property he must depend upon the law of the colony where he claims to exercise his jurisdiction, and as is said by Dickinson, C. J., *in re Rev. Geo. King*, 2 Legge, p. 1331, "he is bishop here over those only who voluntarily submit to his jurisdiction." The result is that at the present time the letters patent in question have no legal effect, but the bishops depend upon consensual compact for their election and their sees. (See *Re Bishop of Natal*, 3 Moo., P.C., n.s., at p. 151.)

2. It must not be forgotten that cases are decided upon particular facts proved in evidence before the Court; so far, therefore, as any of the South African cases turned upon the

construction and meaning of particular instruments, such as trust deeds, or Acts of Parliament, they would only apply if similar instruments had to be construed. But so far as these cases deal with the status of the Church of England in self-governing colonies, with the power of the Crown to exercise its prerogative in the appointment of bishops or with the nature of the jurisdiction of bishops over the members of the Church they appear to us to be equally applicable to the condition of affairs in Australia and Tasmania.

3. We have already pointed out that the Church of England in Australia is in the eyes of the law a voluntary association and that regarded simply from that point of view it has the power like every other voluntary association to alter its rules in whatever way it pleases. It is only when rights of property are concerned that restrictions attach to the powers of the members of the Church. Inasmuch as the bulk of its property is settled upon what are charitable trusts the Church itself cannot alter these trusts, and bishops, clergy, laity, and trustees of property are alike equally bound by the terms of the trust. In this sense the law of the Church of England as declared by competent tribunals in England is binding on them, but subject to this modification, that certain differences must exist from the different political circumstances here to those in England where the Church is established. As is said in *Merriman v. Williams*, 7 A.C. at p. 507, "One thing which their Lordships conceive to be necessary for establishing such a connection between the Church of England and another Church is a substantial identity in their standards of faith and doctrine. Where the other Church is that of a colony possessing an independent Legislature, there must be differences, as, for instance, in the appointment of bishops and in the erection of Courts, such as necessarily result from the difference of political circumstances in which the Church of England and the other Church find themselves placed. There may probably be other differences, which yet might be too slight to work a disconnection, and which need not now be considered." The Courts in Australia having to see that the charitable trusts in question are properly carried out, enquire what are the trusts. Those trusts are declared by reference to the state of things in the Church of England in England. It appears to us that technically it would be necessary to put in evidence here any decision of the English Courts bearing on the points in dispute including even decisions of the Privy Council. (See *Bishop of Natal v. Gladstone*, L.R., 3 Eq. at p. 36.) For the Court here would not be admin-

adhered to: *Free Church of Scotland v. Overton (ubi sup)*; *Bishop of Natal v. Gladstone*, 3 Eq. at p. 36. At the present time, however, while all the dioceses in Australia are professedly in communion with the Church in England, their legal position is, in our opinion, accurately defined by the 5th clause of the Brisbane Constitution.

5. As pointed out by the answer to the last question, the Church, regarded as a voluntary association, is free to do what its members like, but as the beneficiary of existing charitable trusts for Church of England purposes, it must conform to the doctrine and formularies of the Church in England, subject to such minor modifications as the Court might consider to be so slight as to be immaterial, or to be the necessary outcome of its non-political status; such alterations as might be considered by the Court to come within the expression *mutatis mutandis*.

6. To answer this question it is first necessary to enquire whether similar authorities in the Church in England have power to permit the use of services not provided by the Book of Common Prayer. If they can do so in England they can do so in Australia. This naturally suggests the question of the applicability of the Act of Uniformity Amendment Act, 1872, to the Australian States. At first sight it seems an obvious answer to say that no legislation in England in 1872 could affect the position in the self-governing colonies, or that at all events the trusts are to be ascertained once and for all at the date of the declaration of trust, the interpretation of which is in question. As we have pointed out in the answer to the third question, the Court here has not to determine any question of law, but a question of fact. Where property has been settled by a benefactor or otherwise for the purpose of the Church of England, it appears to us that in default of any distinct declaration to the contrary in the declaration of trust the Court might very well assume the intention to be that the Church in England and Australia should continue to move side by side, and that any alteration of practice properly made in England should be followed in Australia. But whether this is so or not, we think that any Court would hold that the adoption of modifications of the Prayer Book similar to those mentioned in the Act is within the powers of the bishops or synods in Australia as being a legitimate modification of the trusts on which the Church property is held.

7. In our opinion the Archbishop and Bishops are authorised to sanction the use of special services within the limits of the Act of Uniformity Amendment Act (1872); but any permission given or direction issued to use other services not

istering the common or statute law of the State as to which it is supposed to be informed, but it has to ascertain as a question of fact what are the trusts by reference to which the trusts of the Church property in Australia are to be ascertained. No matter what the Court here might think upon any question of construction if it were *res integra*, the local Court is, in our opinion, bound to rule in accordance with the decisions of the English tribunals on questions of construction of the Church formularies, such as the articles, the rubrics in the Book of Common Prayer, the Acts of Uniformity, etc., but where questions of ritual or ecclesiastical practice have to be ascertained it would be open to the Court here to receive evidence from the same sources as those referred to in *Read v. Bishop of Lincoln* (1892), A.C. 644, and it would necessarily have to sift such evidence for itself. In fact the Court here is in very much the same position as it is when it has to decide a question of foreign civil law. Having ascertained the law applicable to the question in England, it becomes then a question for the Court here whether there has been a breach of trust; it is to the decision of this question that the Court would apply those considerations pointed out by the Privy Council in *Merriman v. Williams (ubi sup)*.

4. We have pointed out in the answer to the last question what the position of an Australian Court would be in any case in which it would have jurisdiction.

Clause 5 of the Brisbane Constitution appears to us practically to declare the strict legal position; the rule there stated would be applied by the Civil Court in any diocese in Australia when the question to be decided was what is the law or practice of the Church of England. It appears to us to be quite possible that the Courts in Australia might conceivably have to decide questions of property where other considerations might arise. Thus if in any diocese in Australia the Church of England decided to depart from conformity with the Church in England and elsewhere in Australia, as a voluntary association it would be within its powers so to do and to still call itself the Church of England; but the seceding community would at once lose any property previously settled upon trust for Church of England purposes in that diocese, while it might, and no doubt would, acquire funds of its own. If any question arose as to the application of such last mentioned funds, the Court of the State might be called upon to adjudicate. In determining those rights of property, it would at once become a question what were the trusts upon which such property was held; if the trusts were for a religious community not in communion with the Church in England, the Court would have to decide what were the religious tenets and practice intended to be supported by the donors of the funds, and whether they have been

provided by the Prayer Book, and which the Bishops in England could not lawfully authorise, would render the Bishop or Archbishop in question guilty of an offence under the determination of General Synod, relating to the trial of Bishops.

8. If any synod relying on its present powers of legislation purported to pass canons, ordinances or determinations altering or contravening the ecclesiastical law of the Church of England, such canons, ordinances, etc., would at the present time be *ultra vires* and illegal, inasmuch as the ambit of the legislative powers of all the synods at the present time is confined so that they cannot alter or contravene that law; but theoretically, as we have already pointed out, there is nothing to prevent the Church as a voluntary association from determining to alter its constitutions. An alteration of the vital kind suggested would undoubtedly deprive the Church of the benefit of its existing property. If the whole of the members of the Church of England joined in such a secession it would become necessary for the Court of the State in question to settle a scheme *cy pres* for the application of the trust property. If there continued a minority who refused to depart from the original trusts of the property it would become entitled to the full benefit thereof. Free Church of Scotland v. Overton (*ubi sup.*). The question whether the Church had destroyed its connection with the Church of England would not arise before the Court; it would only consider whether there were any beneficiaries still in existence entitled to call for a strict administration of the original trusts. In *Merriman v. Williams* the Privy Council considered the question whether the South African Church was "in connection with the Church of England," because those were the express words used in the grant of the 7th June, 1849, the effect of which the Court had to consider. It may be there would not be a great difference in the result whatever form of words might have to be considered, but it is important to bear in mind that in every case the Court is merely ascertaining the effect of particular documents placed before it for interpretation.

9. We do not quite know what is meant by the expression "interfering with the present relations between the Church at home and abroad." What are the present relations that are referred to? Courts of law are only concerned with temporal considerations and legislative enactments can only deal with temporal matters. The Federal Legislature has no power to legislate in the way suggested, except in the Federal area or Northern Territory, but the Legislature of a State,

c.g., N.S.W., can clearly give authority to the synod or any other body to make any alterations it requires in the Book of Common Prayer without forfeiting the right of the Church of England in such State to any property there situate. In the event, however, of property being settled in England for the Church of England purposes in New South Wales, it would become a question for the Court in England to decide whether any alteration made by the synod by virtue of the N.S.W. legislation had not so altered the tenets or formularies of the Church in N.S.W., that it was no longer the Church of England as contemplated by the English settlor. This follows from the fact that the legislation of any State cannot be extra territorial. So far as the present relations between the Church at home and abroad permit the interchange of clergy and recognise the validity of orders and permit priests wherever ordained to officiate, it appears to us that those relations would not be affected by alterations of the Prayer Book carried out under local legislative authority unless such alterations were considered by the spiritual authorities concerned to effect some radical change in the tenets and religious beliefs of the adherents of the Church of England in the State where the alterations were made. The instructions in the case for opinion do not define what the present relations are, which are referred to, and therefore we do not feel able to discuss this side of the question with any advantage. As we have already pointed out all matters not involving proprietary rights would have to be settled by the members of the Church of England among themselves without the assistance of the Civil Courts.

10. The general status of the Church of England in Australia has been sufficiently indicated in our answers to the preceding questions, but we may cite the following passages from English decisions, which may be regarded as authoritative statements of the law. "The Church of England, in places where there is no Church established by law, is in the same situation with any other religious body, in no better, but in no worse position; and the members may adopt, as the members of any other communion may adopt, rules for enforcing discipline within their body, which will be binding on those who expressly or by implication have assented to them."

"It may be further laid down that where any religious or other lawful association has not only agreed on the terms of its union, but has also constituted a tribunal to determine whether the rules of the association have been violated by

any of its members or not, and what shall be the consequence of such violation, the decision of such tribunal will be binding when it has acted within the scope of its authority, has observed such forms as the rules require, if any form be prescribed, and, if not, has proceeded in a manner consonant with the principles of justice.

"In such cases the tribunals so constituted are not in any sense courts; they derive no authority from the Crown; they have no power of their own to enforce their sentences; they must apply for that purpose to the courts established by law, and such courts will give effect to their decision, as they give effect to the decision of arbitrators, whose jurisdiction rests entirely upon the agreement of the parties." (Long v. Bishop of Capetown, 1 Moo., P.C., n.s., at p. 461. With reference to that passage Lord Romilly said in *Bishop of Natal v. Gladstone*, L.R., 3 Eq., p. 35.) "These expressions have created some alarm, which has, as it appears to me, arisen from an imperfect apprehension of what is meant by them. They do not mean, as some persons seem to have supposed, that, because the members of such a Church constitute a voluntary association, they may adopt any doctrines and ordinances they please, and still belong to the Church of England. All that really is meant by these words is, that where there is no State religion established by the Legislature in any colony, and in such a colony is found a number of persons who are members of the Church of England, and who establish a Church there with the doctrines, rites, and ordinances of the Church of England, it is a part of the Church of England, and the members of it are, by implied agreement, bound by all its laws. In other words, the association is bound by the doctrines, rites, rules, and ordinances of the Church of England, except so far as any statutes may exist, which (though relating to this subject) are confined in their operation to the limits of the United Kingdom of England and Ireland. Accordingly, upon reference to the civil tribunal, in the event of any resistance to the order of the bishop in any such colony, the Court would have to enquire, not what were the peculiar opinions of the persons associated together in the colony as members of the Church of England, but what were the doctrines and discipline of the Church of England itself, obedience to which doctrines and discipline the Court would have to enforce."

We think the questions submitted on behalf of the Archbishop of Melbourne can best be answered together.

At first sight the establishment in Victoria of a domestic tribunal whose decisions were to be final may appear to bring the Church of England in that State close to the position in which the Church in South Africa found itself as the result of the decision in *Merriman v. Williams*.

The clause in the articles of the constitution which in that case induced the Privy Council to hold that the Church in South Africa had severed its connection with the Church of England is set out in italics in 7 Ap.C. at p. 508. It provided that in the interpretation of the standards and formularies the Church of the province *should not be held to be bound by decisions in questions of faith and doctrine or in questions of discipline relating to faith and doctrine other than those of its own ecclesiastical tribunals*. As the Privy Council itself pointed out on p. 508, the creation of a separate ecclesiastical tribunal does not of itself work a disconnection, though in the nature of events it may tend to a divergence; again, on p. 509, it says: "It was competent to the Church of South Africa to establish for itself any system of law which it thought fit. The facts of the case did not compel it to say that its tribunals shall not take English decisions as authoritative. It might have declared that the decisions of the tribunals established by the law for the Church of England, whether past or future, should be binding on the tribunals of the Church of South Africa. That would probably keep the two Churches in connection for the longest period of time, though it would not be necessary to go so far in order to maintain the connection at the outset."

But the obvious course for the Church which desired to be in connection with the Church of England to all intents and purposes would be at least to say at starting that its faith, doctrine, and discipline should be those which then prevailed in the Church of England. Such a Church would, until some fresh departure occurred, be "in connection with the Church of England." It appears to us that it would be the duty of the Victorian ecclesiastical tribunal to decide to the best of its ability in accordance with the decisions of the tribunals in England, where such decisions were available and in all respects to follow the same line of reasoning as would be adopted if the same question arose for decision in England. The ecclesiastical tribunal would have to endeavour to ascertain the law and practice of the Church of England in just the same way as the civil Court would if the question arose before it. It is obvious from the opinions we have already expressed that no matter what the decisions of this ecclesiastical tribunal might be, it could not in any way affect

the view which a civil Court might take if called on to administer the trusts of property settled for the benefit of the Church. In matters not affecting property the decisions of this ecclesiastical tribunal would not be enquired into by the civil tribunal, and would be no doubt binding on the members of the Church, but it is difficult to see what questions exactly would lie within this range of subjects because nearly every question of Church discipline or administration could be thrown into the form of a question affecting the right of an individual to the enjoyment or use of Church property or Church funds.

The answer to the questions asked should in our opinion be, that the establishment of the ecclesiastical tribunal in question does not assert the principle of independence of the decisions of English tribunals, and the members of the Church of England could always have recourse to the civil Court to enforce their right to have the trust of property settled for Church of England purposes, administered in accordance with the law of the Church of England in the face of any decision of the constituted domestic tribunal. If there was any conflict between its own decisions, and those of the English tribunals, in our opinion it would be the duty of the ecclesiastical tribunal to follow the English decisions unless the evidence before it was of such a kind as to give good ground for thinking that on that evidence the English decision would not be followed by a civil Court in the fuller light thrown on the matter.

ADRIAN KNOX,
J. MUSGRAVE HARVEY.

April 15th, 1912.

Appendix B

PACIFISM, CRUSADE, AND THE 'JUST WAR'

While the views of war which developed in the early centuries of the christian era were responses to prevailing situations, the church was not operating in an historical vacuum. As well as being heavily influenced by the teachings contained in the New Testament, the church had inherited the Jewish scriptures, and also drew on the classical Greek and Roman traditions.

The concept of peace played an important role in all four of those sources. For the Jew, *shalom*, peace, was something greatly to be desired. It was a gift from God. A common Jewish blessing included the words, '[may] The Lord lift up his countenance upon you, and give you peace'. And again, 'I will give peace in the land, and you shall lie down, and none shall make you afraid; ... and the sword shall not go through your land'. The New Testament reports that Christ blessed his disciples with the words, 'Peace I leave with you; my peace I give to you ...' St. Paul customarily opened his letters with the benediction, 'Grace to you and peace from God our Father ...'¹

Likewise for the Greeks and the Romans, peace took on religious connotations. Peace was personified and deified, as also in the case of war. In all cases, peace was associated with prosperity and security, and much to be preferred to war. In respect to the Greeks, Gomme writes 'that in spite of their many wars, they never regarded warfare as anything but a tragic interruption of ordinary life'.² While their empire had come into being through war, the Romans saw the establishment of the *Pax Romana* as their greatest achievement.

How was this peace to be achieved? Rarely by anything which could truly be described as a pacifist approach. Probably the nearest thing to pacifism in the ancient world was in the Essene community of Jews at the time of Christ, who repudiated society at large in order to live their own lives in isolation. Arbitration to avoid war was common. Most common of all were attempts to secure peace through conquest and victory in battle.³

Wars fought to achieve peace required that the combatants operate by some guiding

¹ Numbers 6.26; Leviticus 26.6; John 14.27; Rom. 1.7; 1 Cor. 1.3; 2 Cor. 1.2; Gal. 1.3; Eph. 1.2; Phil. 1.2; Col. 1.2.

² A. W. Gomme, *A Historical Commentary on Thucydides*, I (Oxford, 1945), p. 14.

³ R. H. Bainton, *Christian Attitudes Toward War and Peace: A Historical Survey and Critical Re-evaluation*, (London, 1961), pp. 27-32, 36-7.

principles, and so there developed rules of warfare. Plato, in setting out the requirements for his ideal state, formulated some rules. While his rules were not intended to apply beyond the Greek states, those states were independent and sovereign, so his rules could be applied internationally. Victors would not enslave the defeated, nor pillage the bodies of the dead. They would not ravage the land or burn houses. They would not see an entire populace as their enemies, 'but only the few who are responsible for the quarrel'. 'They should remember that the war will not last for ever; some day they must make friends again'.⁴

In applying such rules to the different situations in the Roman Empire, Cicero introduced a further requirement. Wars must be conducted by the state, not by individuals — thus ruling out rebellion and civil war. There must be a formal declaration of war after attempts to achieve peace by mediation. Good faith must be observed and every oath fulfilled. It must be conducted in accord with the principle of *humanitas*, which involved decorum, civility, refinement, benevolence, magnanimity, and mercy.⁵

Similarly, rules of war had been developed amongst the Hebrews. Soldiers were not to be sent into battle if their domestic affairs had not been put in order. As all wars were seen as God's wars, they must never show fear as to the outcome. Mediation should be tried first. Only males in a city were to be killed. Women, children, animals were to be taken live as booty, except in the case of cities in the confines of their own land of Israel. In those cities, regarded as possible sources of religious pollution, all living things were to be destroyed. Fruit-trees were to be preserved.⁶

Because they believed themselves to be God's chosen people, with the whole of life dedicated to him, all wars were regarded as 'holy wars', sometimes fought in defence of the nation, sometimes to establish God's kingdom. This provided an array of precedents for the crusades of the medieval church.

All three approaches to war found some support in the New Testament. Pacifism received some support from the teachings of Christ and the writers of the New Testament, but not unambiguously. His Sermon on the Mount was the principal source, where he said, 'Blessed are the peacemakers, for they shall be called sons of God'. He extended the old commandment against killing : 'every one who is angry

⁴ *The Republic of Plato*, translated with Introduction and Notes by F. M. Cornford, (Oxford, 1941), v. 466-70 (pp. 165-170).

⁵ R. H. Bainton, *Christian Attitudes Toward War and Peace: A Historical Survey and Critical Re-evaluation*, (London, 1961), pp. 41-42.

⁶ Deuteronomy, ch. 20.

with his brother shall be liable to judgment'. In place of the 'eye for an eye' teaching of the Old Testament, he said, 'Do not resist one who is evil. But if any one strikes you on the right cheek, turn to him the other also ...' 'You have heard it said, "you shall love your neighbour and hate your enemy." But I say to you, Love your enemies ...'⁷ The new emphasis on selfless love in the New Testament was seen by some as pointing in the direction of pacifism, but, as with other passages from the Sermon on the Mount, pacifist interpretations have not found general acceptance.

Some christians found support for the 'just war' in the enigmatic words of Christ, 'Render to Caesar the things that are Caesar's, and to God the things that are God's'.⁸ More direct support came from St. Paul: 'Let every person be subject to the governing authorities. For there is no authority except from God, and those that exist have been instituted by God. ... For rulers are not a terror to good conduct, but to bad ... he does not bear the sword in vain; he is the servant of God ...'⁹ Yet here again, the passage does not necessarily bear on the subject of war. The ruler does not only bear the sword to make war, but also for policing within the state, and it is possible that it was only the latter which Paul had in mind.

Similarly ambiguous support for the holy war can be found in the New Testament. It is recorded that Christ took a whip and drove the traders from the Temple.¹⁰ He is reported to have said 'Do not think I have come to bring peace on earth; I have not come to bring peace, but a sword'.¹¹ The latter verse in particular has been relied upon by supporters of the crusading approach.

THE CHURCH DOWN THE CENTURIES

Pacifism

There is no extant evidence of christians having been in the army until c. A.D. 170. The lack of evidence indicates that it was not a matter of controversy, meaning either that such service was acceptable to the church, or it was taken for granted that christians must abstain. What is known of the sociological make-up of the early church makes the second alternative the more likely.¹² Around that time the pagan philosopher Celsus is said to have criticised christians for their abstention from the army, pointing

⁷ Matthew ch. 5.

⁸ Mark 12.17; Matthew 22.21; Luke 20.25.

⁹ Romans 13.1-7. Also 1 Peter 2.13-14.

¹⁰ John 2.14-16; Matthew 21.12-13; Mark 1.15-17; Luke 19.45-46.

¹¹ Matthew 10.34; Luke 12.51-53.

¹² R. H. Bainton, *Christian Attitudes Toward War and Peace: A Historical Survey and Critical Re-evaluation*, (London, 1961), p. 68.

out that if everyone did that, the empire would fall into the hands of the barbarians.¹³

However, from then onwards there is increasing evidence that there were Christian soldiers. In A.D. 197, Tertullian referred to the presence of christians in the army, and in 211 he attacked those who had enlisted.¹⁴ Contemporary with Tertullian was Hippolytus, who prescribed what a Christian soldier could not do. 'A soldier of the lower ranks shall not kill. If ordered to do so, he shall not obey, and he shall not take an oath'.¹⁵ If he would not accept that rule, he must be excluded from the Church. Early in the fourth century the Emperor Galerius believed it necessary to purge his army of christians, as he was intent on persecuting the church.¹⁶ Also the existence of inscriptions in memory of christian soldiers 'prove that the Christian communities where these men were buried did not prohibit the recording of the military profession upon their tombs'.¹⁷

Assessing the above evidence is complicated by the fact that in the Empire, the army had both a policing function as well as warfare. It could have been then that the role of the christian soldier was acceptable provided it was limited to the former, which in times of peace would have been the major role of the army. Most of the important theologians of the first four centuries — Tertullian,¹⁸ Cyprian,¹⁹ Arnobius,²⁰ Lactantius,²¹ Origen²² — all condemned killing.

Pacifism surfaced again in the Middle Ages, with the Albigenses in the late 12th century, who at some points were the spiritual successors of the Gnostics of the earlier period. They were disdainful of the human body, and rejected sex, violence, and the authority of the church. They were severely persecuted in a crusade mounted against them. More successful were the Waldensians in the 13th century, who rejected military service, and were lured back into the church on the condition that they would be exempt from that requirement. Some of the Franciscans were able to gain the same concession.²³

¹³ Origen, *Contra Celsum*, VIII, 68-69.

¹⁴ Tertullian, *Apologeticus*, V. 6; XXXVII. 4; *De Idololatria*, 19.1-3; and *De Corona Militis*, XI. *Apostolic Tradition*, XVI.13.

¹⁵ Eusebius, *Historia Ecclesiastica*, VIII, Appendix 1; VIII.4.

¹⁶ R. H. Bainton, *Christian Attitudes Toward War and Peace: A Historical Survey and Critical Re-evaluation*, (London, 1961), p. 69.

¹⁷ *Apologeticus*, V. 6; XXXVII. 4; *De Idololatria*, 19.1-3; and *De Corona Militis*, XI.

¹⁸ *Ad Donatum*, VI, 10.

¹⁹ *Nationes*, I, 6.

²⁰ *Divinae Institutiones*, VI, 20.

²¹ *Contra Celsum*, III, 7.

²² R. H. Bainton, *Christian Attitudes Toward War and Peace: A Historical Survey and Critical Re-evaluation*, (London, 1961), pp. 115, 119.

In the 14th century a small branch of the Hussites in Bohemia took a pacifist position and managed to survive, becoming known in later centuries as the Bohemian or Moravian Brethren. In the 16th century the leading christian humanist, Erasmus, while he remained loyal to Rome, adopted what was virtually a pacifist position, voicing a strong critique of all the wars going on in Europe at the time.

Of greater historical importance is the emergence during the Reformation and its aftermath of several pacifist groups, especially the Anabaptist group known today as the Mennonites, named after their leader Menno Simons (1492-1559), and the Quakers, or Society of Friends, established by George Fox (1624-1691) and William Penn (1644-1718). Penn was the founder of Pennsylvania, where Quakerism reigned supreme for a time. Both groups are of continuing significance today.

The 'just war'

The conversion of Constantine and his eventual accession as sole emperor over the Roman Empire placed the church in a radically altered situation, where it could look upon the Empire as its strong ally and protector. War became a possibly acceptable enterprise for christians, provided strict conditions were met. This transition was easier when the defence of the Empire against barbarian heretics and Islamic infidels seemed to go together with the defence of the faith.

The first to formulate a christian rendering of a doctrine of the 'just war' was Ambrose of Milan (c. 334-397), drawing on Cicero and the Old Testament. The new element he added to what Cicero had earlier prescribed was that monks and clerics must not become involved. Ambrose was followed by Augustine (354-430), who, together with Thomas Aquinas (1225-1274), is credited with the major development of the doctrine in the church.

Macquarrie summarises the results of these developments as yielding three conditions for a 'just war': (1) it must be waged by constituted authority; (2) the cause must be just; (3) there must be the intention of establishing good or rectifying evil. A fourth condition derived from another medieval writer, Francisco de Vitoria, is usually added, (4) the war must be waged by proper means.²⁴ In respect to this fourth condition it is worth noting the attempt of the Second Lateran Council in 1139 to limit arms, by banning crossbows, bows and arrows, and siege machines.²⁵

²⁴ J. Macquarrie, ed. *A Dictionary of Christian Ethics* (London, 1967), s.v. 'Just War' by J. Macquarrie.

²⁵ J. F. Childress and J. Macquarrie, eds., *A New Dictionary of Christian Ethics* (London, 1986), s.v. 'Just War' by J. T. Johnson.

The doctrine of the 'just war' as formulated above has continued to be held in the major churches, both catholic and protestant, into the twentieth century.

The Crusades

The crusade arose in the high Middle Ages, a holy war fought under the auspices of the Church or of some inspired religious leader, not on behalf of justice conceived in terms of life and property, but on behalf of the Christian faith. Since the enemy was beyond the pale, the code of the 'just war' tended to break down. Justice for the infidel was not the object of the exercise.

Ample precedents for the crusade approach could be found in the history of Israel, where the people of God went forth at his command to do battle against his enemies. Subsequent history has shown that it is not always easy to prevent the 'just war' mentality from sliding into the crusade approach. Bainton argues that in the religious wars set off by the Reformation, while the Lutheran and Anglican churches tried to keep to the doctrine of the 'just war' in their battles against Catholics, for the Reformed calvinistic churches it became a crusade against the infidel. Thus, having wreaked havoc on life and property in Ireland in 1649, Cromwell is reported to have justified his actions with the words, 'I am persuaded that this is a righteous judgment of God upon these barbarous wretches'.²⁶

Of the three classic attitudes to war, the 'just war' theory has held the greatest sway in the church down the ages. The crusade mentality has surfaced from time to time, and pacifism has been restricted to individuals and some of the smaller sects.

²⁶ R. H. Bainton, *Christian Attitudes Toward War and Peace: A Historical Survey and Critical Re-evaluation*, (London, 1961), pp. 143-151.